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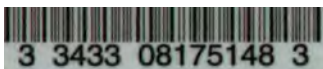
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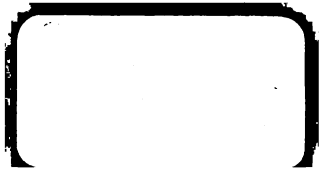
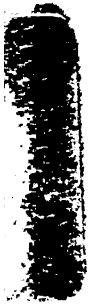
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THE  
BRITISH AND FOREIGN  
REVIEW;  
OR,  
EUROPEAN QUARTERLY JOURNAL.

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*"In primisque hominis est propria veri inquisitio atque investigatio."*

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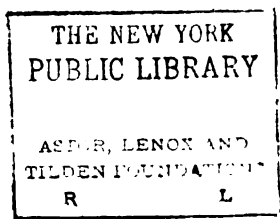
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N° III.

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# THE BRITISH AND FOREIGN REVIEW.

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## ARTICLE I.

*Lamartine's Pilgrimage to the Holy Land*, 3 vols. Paris :  
1835.

BEFORE Imlac had concluded his enumeration of the qualities and acquirements necessary to constitute a poet, his pupil stopped him, by saying, that he had heard enough to be convinced that no man ever could be a poet. Whilst passing in review the acquirements necessary to constitute a traveller capable of putting to profit his peregrinations in foreign lands, we are tempted to exclaim,—“ How far are the necessary “ qualifications of the traveller beyond the powers which “ the Prince of Abyssinia deemed unattainable by human “ capacity !”

The majority of European states have a common origin ; they have been cast in the same mould ; they have been subject to the same influences—one church—one fundamental system of administration—and one literary language ; and though each individual nation possesses some features peculiar to itself, they preserve, throughout, a strong family resemblance. This original relationship has been kept up by continual intercourse, sometimes of a warlike, sometimes of a peaceful character ; by leagues, alliances, inter-

marriages of dynasties, diplomatic contracts, and commercial combinations. These have all had the effect of giving to the states of Europe not only similar laws and institutions, but similarity of thought and identity of modes of expression. Looked at from the East, Europe appears as one, rather than as many, nations. But when the traveller passes the barriers of Europe and enters the East, he finds himself in a new state—so new that he can estimate it only by contrast; and it is not until he has become familiarized to this, as it were new world, that he can even calculate the chances of being led astray. He is struck with the picturesque nature of the country; and if he have any opportunity of coming more in contact with the inhabitants, he finds that not only in externals, but also in feelings, trains of thought, and motives—that in the moral, in fact, as well as in the natural sciences, a rich field of inquiry is spread, enticing by its novelty and interest, but disheartening by its difficulties and extent.

It is evident, then, that qualities essential to the poet must find play in the investigation. But still these qualities only constitute one class of those which the traveller must be possessed of; and whilst he must not consider it beneath his attention to examine into the peculiar mode in which the material interests of the people are managed (which are the foundations of every society), he must be animated by an enthusiastic love of nature, moral as well as physical; and to exquisite sensitiveness, to feel the beauty of that nature which has hitherto escaped the contamination of artificial life, he must add strong judgment, to resist the propensity to fanciful speculation. In fact, a perfect traveller in the East must be a poet, to feel, and describe—a philosopher, to inquire, collect, analyse, and decide.

Therefore can we readily account for the absence of distinguished minds, as writers of travels in Turkey. Their intuitive glance belied at once the prejudices or fables that have filled most books of travels; they felt that they were in a new state of society, which required patient analysis, new views, new doctrines, and new epithets and words. They had not time to study the question, and they did not sit down to tell the world, in a

book, that the state of society and government in Turkey were things they did not understand.

Can a traveller, however he may avoid debatable ground—however he may put aside political disquisition or scientific research—however concise his views, or cautious his expressions—however little, in fine, he may say respecting his subject—can a traveller say that *little* correctly, without having thoroughly examined the country he describes, and without possessing the opportunities, time, and qualifications requisite for his successful application to such a pursuit?

Confessedly, no individual would trust to the judgment of another on a matter, however trivial, with which he himself had no personal knowledge, unless that other were the person among his acquaintance best informed on the matter in question. Now we do not know the name of any recent traveller in the East whose opinion would be taken or asked, on any practical question, by any sane resident in the Levant; nor is there, among the few individuals who have applied themselves with any sequence and success to the examination of that country, one who has presented himself as a writer of travels\*. This, at the present moment, considering the precarious condition of that country, and the evident proximity of a collision between England and Russia, we must

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\* From the insignificance of the great majority of the works on Turkey, a few only are known of the many that have issued from the German, French, and English press during the last ten years; and, strange to say, that the assortment of really useful books which any person going to travel there would have to take with him, would not embrace a dozen publications of the present century. The standard works are those read 200 years ago. We have yet to turn to Busbequius, Chardin, Tournfort, Thevenot, Lady Mary Wortley Montague, Paul Otter, Pockoke, Spon and Wheeler, Ali Bey, Niebuhr, &c. The most recent respectable specimen of an eastern book of travels is Olivier, at the commencement of the present century. Since then, we have had *special inquiries* of great value, but few in number. Volney, a brilliant and airy improvisation; Beaujour, a solid and solitary examination of a particular field of commerce;—(by the bye, there is an inedited work on the general commerce of the East, of great value, by the late M. Ascalon, of Constantinople); Pouqueville, containing much information, with more falsehoods, and it is believed *interested* misrepresentation; Burkhardt's invaluable researches among the Arabs; and Leake's, not less valuable, but far profounder and more useful labours in Greece and western Roumelia. Ten or fifteen years ago we had several

regard as a great national calamity; for the danger has originated in the things which Russia has been permitted to do—permitted solely by our misappreciation of consequences, by our want of knowledge of present circumstances, by our miscalculation of Russia, and by our ignorance of Turkey.

In the absence of a writer of a more reflective mind, we consider it no small piece of good fortune that a man, with so vivid an imagination and so keen a perception of moral and natural beauty as belongs to M. De Lamartine, should have travelled into the East; and we conceive that not only was he calculated, by his peculiar frame of mind, to throw new light upon the domestic and social state of this poetic people, but that his early preference of the simple tales and inspired strains of the Hebrew poets to those other writers of antiquity who have generally been the models of European literature, prepared him to enter with enthusiasm into this particular field of nature.

It was indeed with peculiar satisfaction that we learned that a work proceeding from such a distinguished pen was published in the early part of this year. We were not ignorant that M. De Lamartine had left Turkey with opinions the most extravagant; for, besides our personal acquaintance with the author, we had read the celebrated

respectable quartos of travels, enriched with classic lore and picturesque descriptions. For instance, Hobhouse, Hughes, Kerr Porter, &c.; but of recent years even this class has disappeared, and flimsy paltry repetitions of trashy tales, and disproved opinions, presented in wide-lettered octavo and duodecimo, is all that has been supplied to the craving appetite of the public. The lowness of the standard, inexplicable in itself, is rendered more apparent by the rapid progress of events, which in fact has given observers from a distance the advantage over those who, though near, were destitute of the means of close examination. From this sweeping condemnation, there is scarcely an exception to be made; but if any, Mr. Slade deserves the distinction. We are indebted to him for much positive and valuable information; but while rendering him this justice, we must do Turkey the justice of attributing to him a pre-eminence over his compeers in singular misconception of his subject, and misuse of his information. We touch not on works purporting to enter into the graver field of political and philosophical inquiry—d'Hosson stands alone a singular monument of profoundness, exactitude, and inutility, the lexicographer of Turkey, not its painter—Eton and Thornton are spoken of, and sometimes read, because there is nothing worth reading, and people are anxious to learn.

speech he delivered from the tribune on his return to France, which was so conclusive, as to shut for ever on M. De Lamartine the door to political consideration. But we thought that the very reception of these opinions by France, so deservedly proud of his talents, would have led him to reconsider them. We conceived that the voice of Germany, speaking through the organ of the Augsburg Gazette, would, if it did not convince him, send him back, in the silence of the closet, to review the notes which he had compiled in the East; which, although we did not conceive them to be so ample or so conclusive as they really are, we hoped would be sufficient to show him that every one of the positions he has taken up is liable to refutation from his own evidence. We did not conceive that M. De Lamartine was deficient in the courage required to put forward opinions, opposed to the prejudices prevalent in his day or nation; indeed he has exhibited, in the present work, a sufficiency of courage, although not of the best character, and has boldly attacked every principle of national faith, honour, and justice, whilst he ever has in his mouth virtue, humanity, and civilisation.

It is with regret that we find ourselves obliged to speak in such terms of a man for whom we entertain so high a personal respect. We are urged to do so, in defence of those interests which he calls upon civilised Europe to sacrifice; and to warn unreflecting minds against confounding the aberrations of the sentimentalist with the opinions of the observer.

After this preface, we will select various passages which convey the *impressions* made on the mind of our author by the country in which he travelled, where those vivid, poetic, and not incorrect, impressions are conveyed to him, as he says himself, "by his two eyes"—a country which he has demonstrated to be the true land of poetry and real beauty, whilst he has vindicated it from being one of fable and romance.

The first point to which he directed his steps was Syria,—for several months he fixed his head quarters at Beyrout, during which time he made his pilgrimage to the holy land. This pilgrimage occupied him less than a month; but the people whose character he had the most opportunities of studying, were the inhabitants of those ranges of Lebanon



and Anti-Lebanus, which stand forth so pre-eminently in his descriptions—descriptions approaching, as near as art can approach to nature, to the grandeur and picturesque beauty of the mountains themselves.

"Those," says he, describing the Maronites, "who would contemplate in actual existence all that the imagination pictures of the season of infant and pure christianity—who would see the simplicity and fervour of the primitive faith, purity of morals, disinterestedness in the ministers of charity, sacerdotal influence without abuse, authority without domination, poverty without mendicity, dignity without pride, prayer, vigils, sobriety, chastity, manual labour—those who would contemplate all this, must visit the Maronites. The most rigid philosopher would find no reform requisite in the public or private life of these priests, who are alike the example, the counsellors, and the servants of the people."—(Vol. II., p. 167.)

"The information of the people, though limited to reading, writing, arithmetic, and the catechism, is so far universal.—I can compare them only to the peasants of *Saxony* and *Scotland*."—(p. 182.)

"Yesterday I descended again from the summits of these Alps, and became the guest of the Scheik of Eden, an Arabian Maronite village suspended beneath the highest peak of these mountains, on the very limits of vegetation, and only habitable during summer. The noble and venerable old man, accompanied by his son and some servants, had come out to meet me as far as the neighbourhood of Syrian Tripoli, and had received me in his house at Eden with a kindliness, a dignity, and an elegance of manner which one would imagine to be possessed by one of the old lords of the court of Louis XIV. Whole trees were burning on the wide hearths: sheep, kids, and stags, lay heaped up in the vast halls: and the old wines of Lebanon, brought from the cellar by his servants, were poured out abundantly, both for ourselves and our attendants. After having spent some days in studying these delightful manners, reminding one of the descriptions of Homer, and as full of poetic associations as the places in which we found them, the son of the Scheik, and a certain number of Arabian horsemen, were commissioned to conduct me to the Cedars of Solomon, which yet consecrate the highest ridge of Lebanon, and have been venerated for ages as the last testimony of his glory.

"The most admirable police (the result rather of religion and morals than of legislation) reigns throughout the whole extent of territory inhabited by the Maronites\*. The traveller may there pursue his journey alone, and unguarded by day or by night, without fear of theft or violence; crime is almost unknown."—(p. 160.)

"The Jesuits," he tells us, "after having attempted to erect establishments in these mountains, and in the midst of the Maronites who were catholics, have never yet succeeded, and have little prospect of success, for a very simple reason—there are no politics in the religion of the East; perfectly distinct from the civil power, it confers neither influence nor state employment."—(Vol. II., p. 175.)

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\* We suppose he means all the territory under the domination of the Enai Beshir, including the Druses and Metuales.

This latter observation we think may startle some, who had regarded Turkey under some mystic name, doomed in the prophecies. But when we find in Turkey the absence of any organization, militating against religious freedom, and the impossibility of such an organization gaining ground in these countries—we may doubt whether the term anti-christian may not be with more justice applied to any, the most christian government of Europe, than to the Ottoman Porte, which while it does not itself persecute, affords a refuge to the victims of persecution elsewhere—where no man contributes from his substance to the ministers of a faith to which he does not belong, and where Christianity is quite as much a state religion as Mahometanism\*.

Of the Druses (to whom every thing that he says concerning the Maronites is equally applicable, excepting what is grounded on a difference of religion) he speaks thus:—

“The schools for children are numerous, under the direction of the Akkals, and they are taught to read the Koran. Sometimes, when there are but few Druses in a village, and a school is wanting, they suffer their children to be instructed with those of Christians, and content themselves with erasing the traces of Christianity from their minds, when, at more mature years, they are initiated into their own mysterious rites. Women, as well as men, are admitted to the sacerdotal office; divorce is frequent, and impunity for adultery purchased. Hospitality is sacred, and neither bribe nor menace, whatever its nature, could induce a Druse to betray, even to his prince, the guest who had confided himself to the sanctuary of his threshold. At the time of the battle of Navarino, the European inhabitants of the Syrian towns, dreading the vengeance of the Turks, retired for several months among the Druses, and there lived in perfect security. Their maxim, like that of the Gospel, is, that all men are brothers; but they observe it better than we do; our dogmas are evangelical, our laws pagan.”—(Vol. II., p. 167.)

The rest of his observations on the Druses is worth nothing, for he speaks about what he himself says he knows nothing—their religion. He calls them idolaters; they are no more

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\* The chief of the Christians possesses civil power, because he is their chief priest. The Sultan owes his authority to the hereditary rights established before the title of Calif was added to that of Han. The Christian church possesses in Turkey prerogatives not possessed by the church of Islamism. The Mahometan Imaun, or parish priest (Islamism has no higher religious functions), has no civil or judicial character. The priesthood of the Greek church have both. This originates not in a legislative preference for Christianity, but in the absence, among the Turks, of an organised priesthood. The Ulema are no more priests than the Peers of Great Britain.

idolaters than the rest of the Mahometan population. He says he has a firm belief that the religion of the Druses is still a mystery : whereas their books have been procured, and interpreted by his learned countryman De Sacy ; and it is therein shown that they participate in a belief common to many parts of Syria, namely, the expectation of the future advent of a Messiah, among the descendants of Mahomet.

Here then we find in their character—industry, as shown by the cultivation of their mountains—repose—freedom from crime—education among the lower orders, as extended as in the most advanced countries of Europe—extreme vivacity and intelligence—hospitality—high sense of honour—and simplicity in religious matters.

We regret that he had so few opportunities of coming in contact with the Mahometans of Syria. During his pilgrimage to Jerusalem, his mind was necessarily too much taken up, with the observation of sites which were hallowed to him by every association, to permit him to direct his attention much to an examination into the character of that people ; and subsequently his visit to Damascus, where its type is to be found, was so hurried, as to prevent him from being able to obtain much of the information he might have derived. It would have been interesting to have observed the impression that the character of its inhabitants, but especially of the Mahometans, would have made upon him : our slight acquaintance with them has led us to consider them as the most enlightened, decidedly the most interesting, of all the populations that inhabit Syria. Here he would have had the best opportunity of studying the character of the Mahometan Arab, and of judging of the materials that once composed the brilliant empire of the caliphs. He would have soon seen through the absurdity of those fabulous tales, which mediocrity has so sedulously propagated respecting the fanaticism of the Damascenes—in fact, those same powers of mind which led him to appreciate the characters of the Osmanlis so justly, and to depict that character in such vivid colours, would have been devoted to vindicating their co-religionists in Syria, from the various charges that have been preferred against them. We do not think that we can better fill up the hiatus, than by giving an account of a popular tumult which occurred

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in that city in 1831, which, interesting as every clearly understood event must be, from the light which it throws on the character of a people and their institutions, has been the cause of much misunderstanding on both these points, in consequence of the erroneous statements of various travellers.

About the time that the British government appeared aware of the commercial importance of Damascus, and, for the purpose of extending their commerce, had decided upon sending a Consul-General to reside in that city, the Porte had also come to the determination of extending to Damascus her plans of reform. But the Turkish government, whilst it saw that changes were inevitable, had no clear or fixed ideas as to the path it had to follow, and by a vague admiration of European systems was frequently betrayed into error; it saw that it differed from Europe on the question of taxation, and, without examination, gave way to a desire of imitating Europe. Selim Pacha, being nominated to the Pashalic of Damascus, was instructed to carry two points, namely—to facilitate the establishment of the Consul-General appointed by the British government, and to enforce a tax upon shops. Arrived at his Pashalic, he communicated to the Ayans the instructions he had received from his government. No opposition was raised at first, on hearing that it was the will of the Sultan that a Frank consul should be domiciled among them, although it was strange to see the British standard waving over the domes and minarets of the sacred city; but when they heard that it was the intention of the Porte to resort to a mode of taxation so contrary to the habits of the people, the Ayans loudly protested, and declared to the Pacha, that if he persisted, they could not answer for the consequences. Selim Pacha, however, refused to receive the warning, and his armed retainers were sent into the bazaars to levy the required sum. The people, resisting the payment of the tax, rose in arms, and they were quieted only by a most solemn promise from the Pacha—that he would abstain in future from any attempt to enforce this odious tax.

We are unwilling to be severe upon this amiable but weak minded man, for it must be confessed that his position was extremely delicate, as being placed between the Sultan, whose commands he did not dare to disobey, and the people, who

seemed determined to resist—his respect for his sovereign outweighed his dread of the people, whose vigilance he hoped to elude. After many attempts at conciliation, and after resorting to every manœuvre which menaces or entreaties, bribes or intrigue, presented to him, he believed he had lulled the suspicions of the people, and attempted again to levy the tax. Any one in the least acquainted with the character of oriental populations may well conceive the consequence. They rose to a man, took the castle by storm, and put the unfortunate and infatuated Pacha to death. In this revolution there may have been cries of religious fanaticism, raised by Hadjees, that on their return from Mecca remain at Damascus; but the tumult had nothing to do with fanaticism or religion; it arose from an attachment to financial principles (of which they had learnt the practical advantages, although they had not reasoned upon them systematically), combined with exasperation against the insidious conduct and the broken faith of their Pacha. It was in the course of this tumult that two ideas became linked together; which union, however accidental, was not groundless;—the disguised mode of taxation was an idea borrowed from Europe, and seeing that the same Selim Pacha, who came to levy taxes in such a mode, had received orders also to pave the way towards a Frank consul being established in Damascus, they very naturally concluded that this consul was coming there not to extend commercial relations, but to introduce Frank ideas, manners, and prerogatives\*. It was not therefore without difficulty that Mr. Farren was enabled to make his ostentatious and dramatic entry into Damascus. We are not indebted to Ibrahim Pacha for Mr. Farren's now being quietly established there;—no intimidation was resorted to, neither could have been—but to the energy of a British merchant who went and established himself at Damascus, and, by opening there a commercial house, proved to them practically what were our intentions, and showed them how intimately connected were their material interests with the objects of the British government. We think that this anecdote in itself is sufficient to show that in a traveller's mouth

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\*It must be borne in mind that the privileges, conduct, opinions, and interests of consuls generally are not such as to associate with their functions, those ideas of intercourse, friendship, extension of commercial relations, &c. which we in Europe associate with the idea of consular establishments.

fanaticism and turbulence are but indications of ignorance and misconception; and we still go on further to say, that there is not one instance of a commotion in the Turkish empire during the last seven years, which has not originated in the Porte's mistaking innovation for reform, and imitating Europe in points where we have much to learn and little to teach. She is indebted to the good genius of her people for having failed in these attempts. What elements of prosperity does not this simple circumstance show Turkey to be possessed of, if once rescued from —— ?

On his coasting journey to Constantinople, M. De Lamar-tine was only able to bestow a passing glance upon the Greek inhabitants of Asia Minor. Still, here he makes an observation, which we extract as most remarkable :—

“ The Greek genius everywhere exhibits the principle of activity which is in the very blood of that lively European race; but the activity of the Asiatic Greek is valuable and fruitful; whereas, that of Greece and of the Morea is only a sterile agitation. The air of Asia softens the blood of the Greeks: there they always exhibit a people admirably civilised—elsewhere they are frequently barbarians.”

We congratulate our author on having once used the term barbarism in its proper sense: but would it not have been well for him to have investigated a little more fully the causes of this remarkable difference?

Why are the talents of the Moreote Greeks rendered useless? Why has that restless activity of mind converted itself into a “ sterile agitation?” The Asiatic Greeks speak only Turkish, and are imbued with the repose of the Turkish character. Vague aspirations after the glory of Greece in the classic ages have never left the European Greeks of the upper orders. This feeling Russia dexterously turned to account—on this she placed her lever of intrigue. But the Greek peasantry of Europe were equally industrious, equally sober-minded, with the Asiatic Greeks; and it was not till the Europeans interfered—till European institutions, and European civilisation, which our author is so anxious to inflict on all the Eastern populations, was sought to be introduced into that now distracted country—that society was convulsed almost to its very lowest foundations; for this convulsion an able power has long and successfully laboured; yet, all these causes would have been insufficient, without 5,000,000*l.* (four-fifths

of it English) applied for the consolidation there of Russian power.

The characters of the other populations that he had an opportunity of seeing, such as the Armenian, Bulgarian, &c., are extremely favourable; our limits prevent us from extracting them, as we are anxious rather to extend our extracts with regard to the predominant race, as the fate of the empire is necessarily involved in their condition. M. De Lamartine visited but a very minute portion of Turkey, and that hastily; his acquaintance with the Osmanlis dates from his arrival at Constantinople.

We extract copiously from his beautiful pictures of that seat of empire. Here the poet revels in the beauties that everywhere surround him. We think he might have seen good grounds for conceiving that an empire, possessed of such a capital, would not be very likely to perish, and leave as its successors "but the desert, and the dust of its ruins;" he himself gives us some rather intelligible hints of successors of a very different description: but from political speculations we turn to the pages of our author, where he holds converse with nature, and where his impressions are recorded on the loveliest, at once, and most important position on the face of the globe—Constantinople. Here we may unreservedly abandon ourselves to our author's genius, see with his eyes, and partake, as far as we may, in his glowing thoughts and powerful conceptions.

"Here it is that God and man, nature and art, have placed, or created in concert, a landscape that has nothing like it in this planet of ours. I uttered an involuntary cry, and obliterated for ever from the tablets of my mind the Bay of Naples with all its enchantments. To compare anything with such a concentration of loveliness and magnificence is to insult creation.

"A few paces distant on the left frowned the walls, supporting the circular terraces that bound the spacious garden of the grand seraglio, separated from the sea by a narrow flagged footway, continually washed by the perpetual current of the Bosphorus, in little blue rippling waters, like the waters of the Rhone at Geneva. The terraces, which rise in insensible slopes to the sultan's palace, whose gilded domes are discernible through the gigantic heads of palm-trees and cypresses, are themselves planted with similar trees, whose huge trunks tower above the walls, while their branches, scorning the boundaries of the gardens, overhang the sea with thick canopies of foliage, and shadow the caiques. Our rowers suspended their oars occasionally under their shade. Here and there these groups of trees are broken by palaces, pavilions, kiosks, gilt and sculptured gates opening upon the sea; or batteries of copper and bronze cannon,

of antique and uncouth forms. The grated windows of these maritime palaces overlook the sea, and glimpses may now and then be caught of the lustres and gilt ceilings of the apartments, sparkling through the Venetian blinds; while at every step elegant Moorish fountains, springing from the seraglio walls, fall murmuring from the height of the gardens into marble conches, from which the passers-by may quench their thirst. A few Turkish soldiers lie stretched at their ease beside these fountains, while numbers of masterless dogs are wandering along the quay, and some of them sleeping in the embrasures. As the boat advanced along these walls, the prospect expanded before us; we neared the Asiatic coast, and the eye began to trace the mouth of the Bosphorus between a line of sombre hills and an opposite range, which appeared to be painted in all the tints of the rainbow. Here we again rested: the smiling coast of Asia, only about a mile distant, was sketched to our right, its broad and high hills standing forward in relief, crowned with black forests of sharp-pointed trees; the champaign was fringed with trees, and studded with red-painted houses—the perpendicular sides of the ravines, tapestried with verdant plants and sycamores, whose branches dipped in the stream. Farther off, the hills were still loftier, then declined in green slopes till they formed a large advanced cape, bearing on its brow the considerable town of Scutari, with its white barracks, resembling a royal château—its mosques, with their glittering minarets—its quays, and its creeks, &c.

“ The channel presents, in the distant perspective, an uninterrupted chain of villages, fleets at anchor or in sail, little ports shaded with trees, scattered houses and spacious palaces, with their rose-gardens abutting upon the sea.

“ A few minutes rowing carried us forward to that precise point of the Golden Horn from whence the eye may revel, at one view, over the Bosphorus, the Sea of Marmora, and the entire haven, or, more properly, the interior Sea of Constantinople. There we forgot Marmora, the Asiatic coast, and the Bosphorus, to give our undivided and admiring contemplation to the Golden Horn, and the seven towns suspended on the seven hills of Constantinople, all converging towards the arm of the sea, which unites the whole in one unique and incomparable city; at once city, country, seaport, river-banks, gardens, woody mountains, profound valleys, throngs of houses, streets and masts, tranquil lakes, and enchanting solitudes; a view of which no pencil can delineate more than by detached fragments, and of which, at every stroke of the oars, the eye and the soul imbibe an entirely new aspect and impression.

“ The seraglio retired from us, and grew larger as it retired, in proportion as the eye embraced a fuller scope of the vast outlines of its walls, and the multitude of its slopes, trees, kiosks, and palaces. Its site alone would suffice for the seat of a large town. The port advanced, and gradually became more developed, winding, like a canal, between the sides of hanging mountains. It has no appearance of a port; but resembles rather that of the Thames, or any large river, enclosed by two hilly banks studded with towns, and both shores choked with interminable fleets at anchor in front of the line of houses. We sailed through that innumerable host of ships, some at anchor, others making sail for the Bosphorus, the Sea of Marmora, or the Black Sea, comprising vessels of every form, of every size, and of all flags—from the Arab bark, with its projecting and elevated prow, similar to the beak of the ancient galleys, to the magnificent three-decker, with its shining bronze walls. Hundreds of Turkish caïques, little boats which answer the purpose of carriages upon the maritime streets of



this amphibious city, guided by one or two rowers in silk sleeves, were threading their way between the more massy structures, crossing each other's paths, coming in contact without being capsized, and elbowing each other like a crowd in the public squares; while clouds of albatross, like beautiful white pigeons, rose from the sea at their approach, flying to a more distant station to cradle themselves upon the waves. I cannot attempt to reckon the vessels, the frigates, brigs, sloops, and boats, which, moving or stationary, cover the waters of the port of Constantinople, from the mouth of the Bosphorus and the point of the seraglio, to the suburbs of Eyoub, and the delicious valleys of the sweet waters. The Thames, in London, offers nothing comparable to their number." —(Vol. II., pp. 429—433.)

"Whenever I ascend to the belvidere to enjoy this view (and I do so several times a day, and invariably every evening), I cannot conceive how, of the many travellers who have visited Constantinople, so few have felt the beauty which it presents to my eye and to my mind. Why has no one described it? Is it because words have neither space, horizon, nor colours, and that painting is the only language of the eye? But painting itself has never portrayed all that is here. The pictures I have seen are merely detached scenes, consisting of dead lines and colours, without life: none convey any idea of the innumerable gradations of tints, varying with every change of the atmosphere and every passing hour. The harmonious whole and the colossal grandeur of these lines;—the movements and intertwinnings of the different horizons;—the moving sails scattered over the three seas;—the murmur of the busy population on the shores;—the reports of the cannon on board the vessels;—the flags waving from the mast heads;—the floating caïques;—the vaporous reflection of domes, mosques, steeples, and minarets in the sea;—all this has never been described. I will try it."

We continue a few extracts.

"If you recollect that you are in Constantinople, the queen of Europe and Asia, at the precise point where these two quarters of the world meet, as it were, either for friendly greeting, or for combat;—whether night should surprise you whilst contemplating this prospect, which can never weary the eye;—or the pharos of Galata, the Seraglio and Scutari, and the lights on the high poops of the vessels, are glimmering;—if the stars detach themselves one by one, or in groups from the azure firmament, and envelope the mountains of the Asiatic coast, the snows of Olympus, the Princes Islands in the sea of Marmora, the level height of the Seraglio, the hills of Stamboul and the three seas, so that the whole scene seems to float in a blue net-work besprinkled with pearls;—if the rising moon diffuse sufficient light to show the great masses of the picture, while it obscures or softens the details;—you have at every hour of the day and night the most delicious spectacle that can charm the sight. It is an enchantment of the eye which spreads to the mind;—a dazzling of the sight and the soul. This is the spectacle which I have enjoyed every day and every night for the space of a month.

"I could not have believed that sky, earth, sea, and man, could produce such a combination of enchanting prospects: the transparent mirror of the sky or of the sea can alone reflect them in their whole expanse. My imagination also embraces them in this extended way; but my memory cannot retain and reproduce them except in little successive details. I therefore traced singly every different point of view as I glided along in my caïque. A painter would require

years to depict only one shore of the Bosphorus. The landscape changes at every glance, and as it varies presents renewed beauty. What can I say in a few words?"—(Vol. III. pp. 24—30.)

But what is the character of the lordly race that is at present in possession of this city of enchantment?—What is the state of society in Constantinople itself?

"The seraglio is characterised by the feeling which predominates among the people, *viz.* the love of nature. The admiration of beautiful prospects, groves, fountains, the expanse of the sea, and the horizon bounded by chains of snow-capped mountains, is the ruling instinct of the nation. In this may be traced the recollections of a pastoral and agricultural people, who love to cherish the remembrance of their origin, and whose tastes are all simple and instinctive. They have raised the palace of their sovereigns, the capital of their imperial city, on the slope of the loveliest hill in the empire, and perhaps in the whole world. The seraglio has neither the external grandeur, nor the internal luxury of a European palace. Its charms consist in spacious gardens with trees intertwining, free and eternal as in a virgin forest, with fountains murmuring, and ring-doves cooing; it is the same throughout all Turkey. Sovereign and subjects, rich and poor, have but one want, one feeling, in the choice and arrangement of their dwellings, *viz.*, to charm the eye with a beautiful prospect. If the situation of the house, and the poverty of the owner, preclude this luxury, then, at least, there are a tree, a sheep, and a dovecot, in a patch of ground surrounding the hut."—(Vol. III., pp. 78, 79.)

"They live in harmony with the clouds of white turtle doves, which cover the domes of all the Khans and Mosques, and they do not even scare the swallows. The Turks themselves live in peace with all the animate and inanimate creation—trees, birds, or dogs—they respect every thing God has made. They extend their humanity to those inferior animals which are neglected, or persecuted among us."—(Vol. III., p. 109.)

He accompanies Rustem Bey, governor of the slaves of the Sultan, and thus describes their reception by the young men.

"'Rustem Bey! Rustem Bey!' they exclaimed, one after the other, and all hastened to meet him, breathless and flushed with joy. He could scarcely free himself from their caresses, and they addressed to him the most affectionate language. 'Rustem Bey,' said they to him, 'why have you been absent so long? You have been a father to us, and we have been longing to see you. We are indebted to you for all that we know. Allah and the Sultan have sent you to make men of us. Before, we were only slaves—sons of slaves. The name of the Osmanlis was a mockery in Europe: henceforth, we will defend it and honour it. But, tell the Sultan to send you back to us. We do not study now; we pine in dulness and weariness.'

"We conversed with them for a long time respecting their studies, the politics of Europe, and the destiny of the Turkish empire. They shuddered with indignation at their present condition, and prayed for the success of the Sultan in his reforming enterprises. I never witnessed greater ardour for the regeneration of a country, than that which animated these young men. The oldest of them might be about twenty or twenty-two, and the youngest about twelve or thirteen. Except at the Naval Asylum at Greenwich, I never saw finer looking lads than some of these young Turks."—(Vol. III., p. 72.)

Before quitting the *seraglio* he is entertained by the Hasnadar.

"The Kenedar (Hasnadar), who was a frank, cheerful, and intelligent man, conducted me to his own department, where I saw, for the first time in Turkey, something like the elegance and convenience of European furniture. The divans were high, and covered with silk cushions, and there were tables and shelves round the room. On these shelves there were papers, books, maps, and a terrestrial globe. Sweetmeats and sherbet were handed to us. We conversed on the state of the arts and sciences in Europe, compared with the state of human knowledge in the Ottoman empire—the Kenedar appeared to be as well-informed, and as free from prejudices, as any European. He earnestly prayed for the success of Mahmoud in his projected reforms." . . . "He asked me a multitude of questions on various subjects, viz. philosophy, religion, poetry, politics, military tactics, and different systems of government, republican and monarchical. He discussed all these subjects with a degree of shrewdness, which convinced me that he was one of the most able men in the Turkish empire."—(Vol. III., pp. 74, 75.)

Rather a bold assertion this last observation, considering the little experience M. De Lamartine had in Turkey. We extract, to place beside it, his account of the impressions made upon him by a conversation with some of the first men of the empire, Halil Pacha, Achmet Pacha, &c.

"We spoke with discretion, but at the same time with freedom, of the negotiations between Egypt, Europe, and Turkey; and the progress made, and to be made, by the Turks in military tactics, legislation, and the policy of the different powers of Europe. Nothing in our conversation could have denoted that we were discoursing with a people who are termed barbarians, about the affairs of these same barbarians, and that what we said might even have reached the ear of the Grand Signior, the Shadow of Allah.

"Our conversation could not have been more unrestrained, or more elegantly kept up, in a drawing-room in London or Vienna. These young men, who were eager for information and improvement, spoke of their situation, and of themselves, in a tone of noble and interesting modesty."—(Vol. III., p. 61.)

But of course, in a capital such as Constantinople, he could be only indebted to the orientals for such offices of hospitality as he would find also in Europe; it was only in his land-journey homewards that he could experience the characteristic hospitality of the Turks. But this virtue he shows is not confined to the Osmanlis only, but is common to all the populations under the Ottoman sceptre.

He thus describes his reception at Philippopoli.

"When we were within three leagues of Philippopoli, I perceived a party of Turkish, Armenian, and Greek horsemen advancing to us at full gallop. A handsome young man, mounted on a superb horse, came up to us before the rest, and touched my clothes with his finger. He then turned his horse, and rode beside me. He spoke Italian, and explained to me that, having been the

first to touch me, I must accept his house, however urgent the others of his party might be to conduct me elsewhere. The *kiaia* of the governor of Philippopoli next joined us. He complimented me in the name of the governor, who, he said, had prepared a large and commodious house for my reception, and that supper was ready."—(Vol. III., p. 98.)

"We passed three days at Philippopoli, enjoying the liberal hospitality of M. Maurides, making excursions in the environs of the town, and receiving and returning the visits of the Turks, Greeks, and Armenians."—(Vol. III., p. 99.)

His reception at Tatar Bazargik is thus described.

"The young prince who possesses and governs Tatar Bazargik is the son of the old vizir, Hussein Pacha. He received us with chivalrous hospitality, lodging us in a newly built and elegant house situated on the bank of a river which flows round the town. This house belonged to a wealthy Armenian. No sooner were we installed in it than fifteen or twenty slaves arrived, each bearing a pewter dish on his head. These dishes, which they laid on the ground at our feet, contained rice, cakes, game, and sweetmeats of all kinds, from the kitchens of the prince: two fine horses were likewise sent to me as a present, which however I declined, and several calves and sheep as food for my suite."—(Vol. III., p. 100.)

The next day he leaves this village and arrives at the foot of the Balkan, where he found the principal inhabitants of the Bulgarian village of Yenikeni waiting for him, to show him attention. Here M. De Lamartine was laid up for twenty days with an inflammatory fever, which gave occasion for additional proofs of that active kindness and generous sympathy which he, as well as every other stranger that conducts himself within the due bounds of decorum, invariably meets with in that country.

"A Tartar who had crossed the Balkans on his way to Adrianople, had halted at Philippopoli, where he related that a Frank traveller had been taken ill, and was dying at Yenikeni. This story reached the ears of M. Maurides at ten o'clock one evening. Immediately concluding that the Frank was the same who had recently been his guest, he sent for his friend the physician, assembled his servants, and loaded his horses with every thing which his charitable foresight suggested would be useful to me. He left his home in the middle of the night, travelled without resting, and, after a journey of two days, arrived at Yenikeni, bringing succour and consolation to a stranger whom he will never see again."—(Vol. III., p. 102.)

"The Prince of Tatar Bazargik, on being informed of my illness, showed me no less kindness and hospitality. He every day sent sheep and calves as provisions for my suite; and during the whole time of my stay at Yenikeni, five or six horsemen of his suite were constantly in my courtyard, with their horses saddled, and ready to execute my most trivial commands. On the few last days of my convalescence, they attended me in my rides through the magnificent valley, and over the mountains in the environs of Yenikeni. The prince even offered me his slaves, and on my departure a detachment of his horsemen accompanied me as far as the boundaries of his government."—(Vol. III., p. 103.)

Might not these passages be taken for the philanthropic sarcasm of some generous mind, who grieved at the contentious and factious spirit of our times, and above all, at the absence of the kindlier emotions and impulses in our individual and domestic relations, sought to shame us by the exhibition of an Utopian benevolence, personated, necessarily, in men of distant lands, because representing feelings so foreign to those we see around us. How gratifying, then, to know that these are no fictions, but a practical description of circumstances that occurred to the writer; yet how afflicting, at the same time, to reflect that the writer received no lesson of political wisdom from this his extraordinary experience, and that he failed to see that these virtues are intimately connected with institutions which, instead of proposing correctives wherever he found them deficient, in ignorant boldness, he has pronounced incorrigible, and denounced to extirpation.

It may now be interesting to examine the opinions of our pious and devotional author on the character of Islamism. We must premise, however, that although impartial enough to treat this question very differently from his frivolous predecessors, M. De Lamartine had not that acquaintance with the subject which it demands, and that he was not a fair observer, being subject to strong antipathies, not only as belonging to a religion which, contrary to the spirit of its holy founder, has put itself in a state of armed hostility with all other religions, but also as belonging to that peculiar church which on all occasions has shown itself the most intolerant and ambitious.

"Islamism is a philosophic religion which imposes on its votaries only two grand duties—prayer and charity. These duties are, indeed, the first principles of all religion. Mahometanism deduces from them the tolerance which other faiths have so cruelly banished from their dogmas. In this respect the Mahometans are more advanced in religious perfection than the disciples of some other faiths, who insult and despise them." . . . . "It is in its nature moral, patient, resigned, charitable, and tolerant; qualities which well suit it for a necessary fusion in the countries it occupies, and where it would be advisable to improve and not exterminate. It is accustomed to subsist in peace and harmony with the various forms of christian worship, to which it allows free exercise, even in the bosom of its holiest cities, such as Damascus and Jerusalem. It is careless of supremacy: prayer, justice, and peace, are all it requires. In any system of human civilisation, whether humane, politic, or ambitious, the religion of Mahomet may easily be allowed to occupy its place in the Mosque—its place in the sun or in the shade."—(Vol. II., p. 246.)

"Conversions, too, in these countries are impossible, since a change of opinion would brand with perpetual opprobrium, and would often be punished with death by a tribe, a village, or a family. As for the Mahometans, conversion amongst them is unheard of. Their religion is a practical deism, the morality of which is the same in principle as that of Christianity, but is not founded on the doctrine of the incarnation of the Deity. The doctrine of Mahometanism is simply a belief in divine inspiration, manifested by a man wiser and more favoured with the celestial emanation than his fellow-creatures. Some miraculous operations have since been mixed up with the mission of Mahomet, but these legendary miracles of Islamism do not form the foundation of the religion, and are even rejected by enlightened Turks. All religions have their legends, their absurd traditions, their popular aspects; the philosophical view of Mahometanism is pure from these grosser mixtures; it consists only in resignation to the will of God, and charity towards men. I have conversed with a great number of truly religious Turks and Arabians, who admitted nothing but what is reasonable and human in their creed. Their reason had no efforts to make to accept dogmas from which it revolted. Theirs was practical and contemplative deism. Such men are not easily converted; it is natural to descend from marvellous to simple doctrines, but not to remount from the simple to the marvellous."—(Vol. II., p. 176.)

Here is an observation of the most striking truth, "conversion from Mahometanism to Christianity is unheard of." M. De Lamartine fairly avows that portion of the cause which he had penetrated with the discrimination which is the prerogative of genius. And as a Catholic he could have penetrated no further. They have never had an opportunity of seeing Christianity unalloyed with idolatry, and they naturally conceive that all Christians must be idolaters. We were acquainted with an Arab Emir of the mountains of Lebanon, who had renounced Christianity and become a Mahometan, on account, as he said himself, of his not being able to bear the idea of creature worship; and this, at a time when there were numerous Protestant missionaries in Syria that were sending home volumes of reports and researches. We witnessed the interest and avidity with which the Damascenes perused part of the Scriptures in Arabic, which were lent them by an English merchant, and we overheard ourselves one of the Ulama, after reading a portion of the holy writ, exclaim, "I had always thought these Englishmen were atheists."

"The grand idea which there fills and expands the imagination of all people, is that of religion. Throughout (the East), the manner and laws of all the tribes are founded on the religious principle. The West has never displayed this, and why? because they are a less noble race, children of barbarians, still savouring of their origin. These lofty matters are out of place in the West, where the lowest of human feelings and ideas, constantly take precedence of the highest. It

is the region of gold, of agitation, and noise. The East is the region of profound meditation—of instruction—of adoration.”—(Vol. II., p. 321.)

What meaning is conveyed here to the mind of a reasoning being, by the expression, “manners, and laws, founded on the “religious principle?”—and then “they are nobler than the men of “Europe,” and the men of Europe “less noble,” because “sons “of barbarians?” Our author sees things that surprise and overwhelm him; he has not time to examine, and yet, traveller-like, he must explain. The resumé of their character he draws up in the following remarkable words:—

“The Turks are, in my estimation, the first and most worthy amongst the numerous races that people their vast empire; their character is the noblest and most dignified, their courage is unimpeachable, and their virtues, religious, civil, and domestic, are calculated to inspire every impartial mind with esteem and admiration. Magnanimity is inscribed on their foreheads and displayed in their actions: if they had better laws, and a more enlightened government, they would be one of the greatest people the world has seen.”—(Vol. III., p. 381.)

We cannot here help quoting an expression which we heard from the lips of a worthy and most useful American Missionary, addressed to some fellow Missionary, who had arrived from America, ready to make an *Auto-da-fè* of all Mahometans,—“You will see practised by the Turks the “virtues we talk of in Christendom!”

Nobody, of the commonest information, is ignorant of the fact that Mahometanism reckons the Old and New Testament as inspired writings, and as *their* law; no one is ignorant that, though Mahomet is the last and greatest of the prophets, Christ to them is “the spirit of God,” and that the Koran, in all its excellent parts, is a transcript of the Testament, the remainder being wild and inoperative fancies: *but how few reflect on the different character which this state of mind gives to the Mahometan’s regard for Christianity, and the Christian’s regard for Mahometanism!* The Mahometan (strange as it may seem to the religious animosity of Christendom, which reflects itself, to its own eyes, in the dispositions of the East), though he may not inquire particularly into the dogmas of our various churches, denies not the prophetic character of Jesus; and the expressions of contempt which many have misapplied to Christianity, are called forth by the symbols and externals of those sects which, to him, are the only personification of Christianity. A Protestant feels and expresses more

loudly the same, without being set down as an infidel. Islamism does despise the external practices, and the church government, and even some of the dogmas of the sect to which M. De Lamartine belongs; it rejects an organised and bachelor priesthood—saints' worship—auricular confession—the adoration of the Virgin—and revolts at the idea of transubstantiation. But from the pride and rites of the Romish Church where can it turn to form to itself a correct estimate of Christianity? solely to its Eastern rival; where all its faults are displayed without the veil or palliation of its riches, dignity, and instruction. When, however, Mahometans have had opportunities of observing the forms of Protestant worship, and have entered a Christian Church—where no crucifixes—no images—no exhibitions of religious witchcraft or priestly fraud—no revolting display of a malefactor's tortures as a personification of the Deity\*—they exclaim, and naturally too, "*This is not Christianity, this is our own worship†!*"

One consideration which we now indicate, but which it would require a volume to develop, is necessary to the comparison of the two systems, once struggling in arms, now peaceably co-existing in the East—and that consideration is, that Mahomet conceived his religious system, after all the evils resulting from the political character of the Eastern Church had developed themselves—when a priesthood with a code, organization, and a treasury, had introduced a strong line of demarcation, or rather a principle of opposition, into the heart of the church, placing on one hand the professors of the faith, on the other the servants of the altar. This relative position of the laity and priesthood, led to war between themselves. For the latter, released from the bonds of domestic affections and social interests, and urged by the double promptings of ambition and fanaticism, a new arena

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\* We earnestly recommend to the perusal of those who may be led by our remarks to question the correctness of their own opinions—that extraordinary work, "*Mahometanism unveiled*," by the Rev. Mr. Forster. Deeply do we regret that Mr. Forster, after reaching to so high an appreciation of so many of the bearings of this question, by the examination of the writings of others, has not had personal opportunities, which would have led him still further. *The end and object* of that work has no part in this opinion—that was a fixed idea in his mind before the inquiry was undertaken, in which he has elicited so much light.

† The Mahometan can only perform his adorations in a holy place (that is not polluted). The Mahometan freely performs his religious rite in a Protestant Church.



of action was laid open : and their fervour of faith and depth of conviction (not to speak of less worthy feelings), added to the devotion of followers and the hatred and provocation of antagonists, had fatigued the Eastern world by a century and a half of unceasing commotions, previously to the appearance of the legislator of Arabia. Mahomet studied the Gospel, and he looked upon the teachers of its spirit. What his profounder lucubrations were who can tell? What the results he arrived at were, we may infer from the practical ends he proposed to himself—the abolition of all distinction between clergy and laity—a principle so systematically insisted on, and so effectually secured, that to this very day it stands unimpaired.

Nor have we the right to affirm that the results obtained were not calculated on as well as arrived at : those results were, cessation of internal religious contention—unity in matters of faith—and religion without distinctive power or action, becoming the impulse of the whole mass of its adherents. With this grand idea was associated the character of the life of the desert, integrity of mind, firmness of purpose, endurance of disposition, and respect among the early propagators of Islamism for the institutions of all men, as a principle resulting from their own habits—as a feeling prompted by their own character. It was this disposition of mind which tempered the blade of Damascus in the hands of the followers of Mahomet, and if the fatal edge of persecution degraded the scymetar of the Califs, that was a natural result of the condition of the times, and of the fanaticism of their opponents. Thus arose Islamism, environed, in the eyes of the Christian fanatics as of the pagan idolaters, with the apparent attributes of simplicity and of truth ; and energetic as was its spirit and its action, its progress seems rather to have been effected by invitation than by impulse.

We come to latter times : and here, in our own century, an equally strange ignorance is to be found in Europe of things as they are. M. De Lamartine has ventured to inform his *co-religionists* that proselytism to Christianity does not take place ; nay, that it is impossible. This is much, but not all. Proselytism is now rapidly going on from Christianity to Islamism. We state, from our own observation, the fact of pro-

selytism among Greeks, Bulgarians, and Georgians ; we have conversed with individuals of all these races, who have become Mussulmans. The extent to which this goes it may be impossible to state with any degree of accuracy, but it is considerable.

This is not of to-day. A century ago there were no Albanian Mahometans, there are now above a million ; the Sclavonic populations were all Christians, they now reckon two millions of Mahometans. The Greeks of Europe have been subject to less change, yet considerable numbers, though no large bodies, that we are aware of, have embraced Islamism. Not so the Asiatic Greeks ; the district of Off, which contains a large portion of the remnants of the Greek empire of Trapezuntium, have all become Mussulmans. They speak Greek still (while, strange to say, the *Haichrum*, or Armenian Greeks, the Greeks of the Greek Church of Asia Minor, *speak Turkish*) ; and preserving the scholastic temperament of their race, have all of them applied themselves to the study of the Mussulman law, and are to be found all over the empire, as doctors, judges, and scribes. In each village they tell you the year when it pleased God to enlighten them, and deliver them from idolatry and licentious habits. The Curds and many Armenians passed in a large mass from Christianity to Islamism, on the refusal of the Patriarchs of the Armenian and Greek Churches to permit them to use milk and curds during the long fasts, and these pastoral people have often no other means of subsistence. Even the Jews have been converted to Islamism. A body of them, a hundred and fifty years ago, at Salonica, passed from the faith of Abraham ; but they still remain a distinct though wealthy and respected class, under the title of Dunme. The Georgians in the Turkish territory have, within fifty years, begun to abandon Christianity ; their conversion is now almost complete. We extract from a recent traveller in that country, some cursory observations on the subject.

“ Russia introduced disorders into this province, and  
 “ fomented them ; the Dèrè Bey system sprang up, and this,  
 “ with the discredit attached to Christianity by the neighbour-  
 “ ing administration of Russia, has led to the apostacy of the  
 “ Lazes. Russia, in separating them administratively from  
 “ the Porte, has brought about their religious union to the

“ Sultan—she has, moreover, raised their character ; for it  
 “ must be observed, that the difference here is not between the  
 “ Bible and the Koran, between Christianity and Islamism,  
 “ but between the superstition and idolatry of the Greek  
 “ church and the simplicity of the Mussulman practice—  
 “ between two systems of which *the apparent differences*  
 “ *are religious, but of which the material differences are*  
 “ *political and social.*

“ The Georgians are proverbial for drunkenness and de-  
 “ bauchery ; they are not brave, they are superstitious.  
 “ Those who have become Mussulmen seem to have entirely  
 “ abjured the characteristics of their race ; they have become  
 “ sober, chaste, and hospitable ; these are habits of their new  
 “ faith. Their character has acquired dignity by belonging  
 “ to the honoured class. *In confirmation of this change of*  
 “ *spirit, the establishment of their schools in each village*  
 “ *dates from the epoch of its conversion\*.*”

Upon the whole, the observation that seems to have made the deepest impression on M. De Lamartine's own mind, as it must on those of his readers, is the example which the East afforded him of what we consider simplicity and primitiveness in nations and institutions ; here he meets with that which represents to him “the pastoral and instinctive poetry of the “infancy of nations,” there, “the epic and warlike poetry of a “conquering and wandering people,” elsewhere, “the lyric “strains of the ages of enthusiasm, and religious renovation ;” all which naturally lead to self-examination ; and it is only that self-examination, thus produced, though unavowed, that could have drawn forth from M. De Lamartine, the words of condemnation and reproach which he pours upon Europe—upon that Europe to which he is so wedded, that he would sacrifice, with little compunction, all that he found interesting in the East, in order to relieve its plethora.

We quote one of the severest sarcasms on European Legislation :—

“ Modern legislators (in Europe) have forgotten that the spirit of family is the second soul of humanity. They only think of nations and individuals (interests?), they omit the family, unique source of a pure and healthy population, the

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\* England, France, Russia, and Turkey, p. 100.

sanctuary of tradition and manners, in which all the social virtues acquire fresh vigour. Legislation, *even* since the introduction of Christianity, has been barbarous in this respect; it repulses man from the spirit of family, instead of encouraging it in him. It interdicts to one half of mankind, wife, child, the possession of a home and a field." (This is only true of Europe; no individual in the East is without all these blessings, that is, the government prevents them from enjoying none, and public opinion enforces it upon them.) "A family is society in miniature; it is that society in which all the laws are natural, because they are sentiments."

Why did not this prepare him to appreciate that society which is formed on the model of a family? In the East, the laws, sanctioned by the ruling power, are the habits and customs that influence the family. Institutions are distinctly *means*—variable and therefore permanent, but not *ends*; and moreover, in a financial point of view, the state is identified with the family—the people contribute to the state as they do to the support of their families, by the *profits* of their labour. This state of things may not give external power, but it secures internal repose—if the neighbours are tranquil. An investigator into any form of society, must begin by understanding its material wants, which is the basis on which the pyramid of society reposes. But in M. De Lamartine's mind this pyramid is reversed; and whilst he looks upon the material wants of a people as vulgar, and beneath his notice, he enters into all the airy speculations of constitutional theories, he gets into the entanglement of undefined reasoning, and fancies that the foundation on which he has to build. The best exemplification we can give of this, except the *Resumé Politique*, which we have before us, is a small tract he published, entitled *Politique Raisonné*, wherein he strides over the whole history of mankind at four steps—dividing history into four epochs, which he calls, the Heroical Age, the Tyrannical Age, the Monarchical, and the Constitutional Ages.

We entreat our readers to compare his description of the state in which he conceives the French mind to be, with our author's own evidence concerning the present condition of Turkey; and then to ask themselves, whether—if for the only information which they possessed, on the state of France, they were indebted to these pages,—they would not say that France, not Turkey, was in a state of political degradation and decay? But if our poet mistakes his own country,

how much less was he able to penetrate into the abyss of futurity with regard to a country with which he was necessarily so superficially acquainted. Misguided by the pseudo-rationalism of the St. Simonian doctrines, he conceives that the progress of mind is always onward, in moral science, and that which relates to the happiness or misery of communities or nations, as in physical science. Leaving to his brother-mystic, Frederick Von Schlegel, to bear him down on this point, we pass to the causes he supposes for the revolutionary spirit in France.

It is, he says, because there is more education in France than formerly—that there are a greater number of capacities developed—that these are contracted into too narrow a space, that they require external expansion. Is intelligence developed only in France? Where is the revolutionary spirit in Saxony, which is superior in education to France? Where in the mountains of Lebanon, whose peasantry he compares to the peasantry of Saxony and Scotland? Is he not stating a cause which is not the cause, when he brings forward this education as bearing fruits in France, which it does not elsewhere. But the development of capacity has introduced a “Spirit of  
“ discussion and inquiry, which has secured the enfranchise-  
“ ment of the press, which has engendered a spirit of dispute  
“ and controversy—without candour, a professional and sys-  
“ tematic opposition—a cynical character, which, by dint of  
“ wordy logic, scares away truth and moderation, misleads  
“ and excites ignorance, and is ever ready to underrate the  
“ chief requisite of nations.” Such are the fruits an enfranchised press has borne in France. But how remedy it? By a Bill such as has been brought into the Chamber of Deputies by the French ministers? Does the evil not lie in this—that the governments of civilisation, by unwarrantably interfering with the material interests of mankind, have put interest in arms against interest, by laws and enactments? And thus, not only ignorance is misled, but the ablest and wisest men are led groping about in the dark, unable to find remedies for the complicating evils. Their talents are again added to the sources of error and misconception; puerilities become systematised, and simplicity is put to silence and to shame. We do not think that France will find a remedy by

infecting with "*centralisation*" nations that have hitherto escaped the contagion. We do not think, like the Neapolitan peasants, that the typhus is to be cured by communicating the disease to a stranger.

M. De Lamartine might have brought an oracle home if he had discovered why the East has escaped political agitation. There is at least as much education in Turkey as in France, that is popular not scientific education; and in education it is not assuredly the French grammar that is the element of agitation. There is in Turkey infinitely more freedom of discussion than in France, and yet there is neither police, *gens d'armes*, chamber of peers, or St. Pélagie, to restrain agitation. With such objects of inquiry around him, he travels away to his France in the clouds—he shuts his eyes on external things, falls asleep, and dreams. We extract the following:—

"This origin is precisely what you complain of having lost, what you deny to exist in the present state of the world; it is a common idea, a conviction, a social law; it is a truth which having involuntarily entered into all minds, and having even unconsciously to itself taken possession of the popular mind, labours to produce itself in action with the force of a divine truth; that is to say, with invincible power. Universal reason is this faith; speech is its organ; the press is its apostle; it spreads itself over the world with the infallibility and enthusiasm of a new religion; it wishes to remodel, after its own image, religion, civilisation, society, legislation; all imperfect, or degenerated by the errors and ignorance of the dark ages they have passed through:—it would impose on religion, for doctrine, the unity and perfection of the Godhead—for a motto, perpetual morality—for worship—adoration and charity; on politics, human nature as superior to the distinctions of country; on legislation, the equality and fraternity of man; on society, a reciprocal exchange of services and duties regulated and guaranteed by the law—Christianity *législée*."—(Vol. II., p. 447.)

No man of common sense, after reading this, would be willing to subscribe to any conclusions to which such a dreamer would come, even when his eyes are open. Let us pursue the vision a little farther.

"What Europe requires is outward expansion. Without it how restrain those perpetually increasing masses of the population, armed, undisciplined, struggling between poverty on the one hand, and pillage on the other? How save property from the doctrinal and actual aggressions to which it will be more and more exposed? and should that corner-stone of all society be laid prostrate, how enable society itself to hold together? Where, then, would be the refuge against a second barbarism? So imminent are these dangers, that, unless the anticipative wisdom of the European government does not devise a preservative against them, the ruin of the known sociable world is inevitable *within a given time*."—(Vol. III., p. 361.)

Since Europe, then, is in such an explosive state, it is no

small piece of good fortune that there exists at this present moment a large vacuum to receive the irruption. This vast void is the Ottoman empire.

" Its life is extinct—its weight no longer sways the balance ; it is nothing but a vast void which your anti-human policy wishes to leave vacant, instead of filling it with a healthy and living population which nature has already planted there, and which you might replenish and propagate yourselves. Do not precipitate the fall of the Ottoman empire—do not usurp the office of fate—do not assume the responsibility of Providence ; but do not sustain by an illusory and culpable policy that phantom to which you can at best give only an appearance and attitude of life—for it is dead. Do not become the allies of barbarism and Islamism, against the more advanced stages of civilisation, reason, and religion, which they oppress, nor the accomplices of the slavery and depopulation of the finest parts of the world."—(Vol. III., p. 372.)

Compare with this the following observation :—

" It is impossible not to be struck with the physiognomy of Mahmoud, and not to offer up prayers in secret, for a prince whose features reveal such masculine energy, such deep sensibility ; but alas ! these prayers fall back on the heart, when one thinks of the sombre destiny that awaits him. If he were really a great man, he might change his destiny and overcome the fatality which is enveloping him ; there is yet time—as long as the people is not dead, there exists within it, in its religion, in its nationality, a principle of energy and regeneration, which a man of genius can utilise, strengthen, and give such a direction to, as would lead to a glorious change ; but Mahmoud is a great man only in heart. Whatever his fate, history will lament and honour him ; he saw that his people would expire if not reformed, he has cut off the dead branches of the tree, but he knew not how to throw in sap and life into that which still remains of this trunk, full of health and vigour (*sain et vigoureux*)."—(Vol. III., p. 63.)

But, as if he were driven on by fatality to contradict himself at every step, he goes on to say that the empire has not sunk of itself as yet, but it is dying, and when it shall be " undermined by Ibrahim Pacha, or some other Pacha" (it is a pity that he did not suggest some one likely to give this *coup de grace*), " and dismembered alike in its northern and southern provinces, you will have a very simple question to decide. Will you make war upon Russia to prevent her inheriting Constantinople and the Black Sea ? Will you make war upon Austria to prevent her inheriting one half of Turkey in Europe ? Will you make war upon England, to prevent her inheriting Egypt and the route to India by the Red Sea ? Upon France, to prevent her colonising Syria and the island of Cyprus ? Upon Greece, to prevent her completing her territories by the addition of the coasts of the Mediterranean, and the beautiful isles which bear her

name, and are inhabited by her own people.”—(Vol. III., p. 372-3.)

What, inherit a void? Make war to rescue a fragment of the vacuum!—A curious principle he has started too of inheritance; we hope that our poetic statesman will ere long present to the Chamber of Deputies a bill framed on it for regulating succession in his own country; it would be particularly acceptable in the present revolutionary state of France. We had thought he had promised the Servians independence, and yet that is part of the spoil he devotes to Austria; Wallachia and Moldavia are to be independent, and yet to be subject to Russia: he promises the Maronites a brilliant *avenir*. France’s taste for civilising, not being cloyed with Algiers, is to confer the double benefit of independence and military occupation on other countries farther East. Let us see what fate he prepares for the Turks.

“God forbid that I should instigate the extermination of “such a race, whom I believe to confer honour on humanity.” No, they are only to congregate themselves in towns, and to put themselves under the power that *inherits* Constantinople, right glad to escape from the vengeance of the other populations whom they oppressed, and whom, in their brutal stupidity, they have allowed to increase.

Brutal and stupid, doubtless; and shut up in these cities, they are to be taught better manners by the “sons of barbarians, “in whose breasts are to be found the lowest feelings and ideas “constantly taking precedence of the highest;” and he contemplates, at no distant period, this people, whom he describes as the finest race amongst populations, all of whom he has depicted as decidedly superior to any thing in Europe, sinking down, and becoming amalgamated with the surrounding populations, formed on the model of the more advanced civilisation of European power that accepts the sovereignty of the Bosphorus, &c.

It would have been well for the elucidation of the arguments of our statesman poet, if, before proposing such a startling mode of humanising society, he had run over the provinces that Russia has seized from Turkey and Persia, and marked the improvement in the state and morals of the inhabitants, which so visibly and unequivocally presents itself!!!

But by what right, it is asked, is Europe to make these



changes? Our author quickly loses sight of the right of inheritance; he answers, *by the right of humanity*. Such, truly, were the grounds on which Napoleon for a moment was beguiled by Alexander. While the idea of subjecting Germany, Italy, and Spain, were alone in the conqueror's thoughts, he admired the scheme that was to drive the "Brutes of Turks" from Europe; but when the statesman began to reflect on the consequences of the possession of the Dardanelles by Russia—Italy, Spain, and Germany lost their attractions, and the Turks ceased to be brutes.

The source whence all these unaccountable extravagancies flow, are to be found in our really amiable and well-intentioned author's ignorance of facts. We must expose this ignorance; for, although the proposal he makes, bears upon its own face its refutation, yet people may be led to imagine, that if he, who so admired the Turks as men, still desired their extinction as a nation, that the government must present features at once strongly anti-social and incorrigible; it may be said, that, although he has misjudged, it is possible he was not misinformed.

"The Turkish empire is crumbling to pieces, and threatens from day to day to leave to anarchy and disorganised barbarism, *territories devoid of inhabitants, and a people destitute of rulers.*"

We mark in italics not because we would avail ourselves of the liability to criticism of this Hibernian style, but to show that his personal conviction was overwhelmed by the grossest statistical misconceptions, and had not sufficient penetration to discover that it was not "by a fatality inherent in the nature of the Turkish government," that the empire was decaying, but that it was the active exertions of Russia, assisted by the culpable indifference of the other courts of Europe, and their hostile interference, that was acting powerfully on a government which has no standing army—no diplomacy—does not fatigue other states by projects or tariffs—and, after all, whose greatest misfortune and crime is not speaking French.

The passage we have cited, respecting the character of the Sultan, shows that he was perfectly ignorant of the nature of the reforms that were going on in Turkey, and yet he might have seen the extraordinary changes that have been made in that empire by means that appear perfectly inadequate.

Where do those anti-social principles exist? Does the Turkish government war with the creeds of her subjects? Does it militate against local usages? He shows it does not—he proves the reverse. Do her commercial regulations cripple industry and commerce? Every page of his pilgrimage tells a different tale. There are abuses in the Turkish government; there were greater. The Pachas, and other officers of the Porte, were insubordinate. Are they so now? The Armenians and Bulgarians accompanied the invading army into Russia. Why did they return? Greece is to participate in the spoils—look at the state of Greece—infant weakness linked with the decrepitude of age. If England and France were to cease upholding, by subservient agents, subservient policy, and millions sterling, the Russian administration of that tortured state, a few months would suffice for its reannexation to Turkey. Mahomed Ali, he has well remarked, is but one man; and were he indebted to his individual exertions for the power he at present possesses, even if his hold upon these possessions were not precarious now, still that power could not survive him. But who was it that created Mahomed Ali?—was it not France? And yet M. De Lamartine calls on France to let destiny accomplish its purposes—to observe, wait, and be ready, as soon as the empire sinks, undermined by Ibrahim Pacha. Look at the state of disorganisation that “his civilising sword” has introduced into Palestine. Let M. De Lamartine look at the state to which he has reduced the inhabitants of his favourite mountains, Lebanon, where their prince has been obliged to seek refuge from the tyranny of the French protégée, under the roof of the French consulate. The intrigues of Mahomed Ali have been traced in Albania, and found to be the chief cause of that country being convulsed. Do the Armenians aspire after political independence? Do the Bulgarians? Do the Wallachians and Moldavians? We answer, not one of these. Although Russia has done what she has done, Wallachia and Moldavia never were so favourably disposed towards the Porte as at the present day.

But what symptoms are there of *internal* decay? Albania is in a more submissive state than it ever has been. At the request of the inhabitants themselves, the Porte has put forth her arm

and taken up Tunis and Tripoli, which were ever dependencies, but latterly only nominal dependencies of the Porte. If, then, the Turkish government contains within itself such anti-social principles, how account for the increasing confidence in her from those that were alienated? If so incorrigible, how is it that these abuses have been corrected by means so minute as to escape M. De Lamartine's observation?

The internal symptoms of a nation's decay are, generally speaking, the visible decline of naval and military establishments, the decrease of revenue, the annihilation of commerce. If, then, Turkey be perishing, or, as M. De Lamartine says, is already dead, how strange that the revenue and commerce of Turkey should not only not be falling off, but increasing; that a military establishment, and even a national militia, should be in progress of organization—that ministers should now, for the first time, be sent to Europe? We speak not of schools, of the press, of the formation of roads; these may be attributed to the Sultan's undivided exertions; but of things indicative of general prosperity, of increased comfort and means, which can flow only from an improvement in the political condition of the country. We quote from a writer, who seems to have put down his words with somewhat more of deliberation than M. De Lamartine.

"The revenue, drawn almost exclusively from production, is the best and indeed the only official test of the condition of the country; and we have fortunately had the means of ascertaining pretty accurately the state in which it is."

"The regular expenditure for the army, navy, and administration, has ~~been~~ gradually increasing, and has doubled within the last eight years. This year there has been a very considerable extra-expenditure, yet we have grounds for asserting that there is a larger surplus of revenue over expenditure than has been obtained for a century; yet there has been no confiscation,—no very crying abuse or extortion,—none that have profited the treasury; so that the increase proves a very positive and very astonishing increase of production."

"This internal prosperity, that has overcome so many and such great obstacles to its development, has made itself be felt on external commerce. During the last three months, traffic is in a state of stagnation, in consequence of the Plague. The Persian trade has been interrupted by an act of legitimate retaliation. Still our exports to this country must, during the last year, have greatly exceeded the former one. The prospects of next year are still more encouraging; grain has in a great measure failed, but the crops of Indian corn, and especially of rice, exceed every expectation. Silk has been produced in quantities exceeding any former period, and the price has likewise advanced, in consequence of the supposed diminution in Italy and Spain."

"Cotton and wool have also increased, though not in the same proportion."

The fruit crop has been very abundant, oil most abundant, and in great demand; so that while the exportations of Turkey, on which she depends for the means of purchasing, are greatly augmented, prices have not fallen, but, on the contrary, have greatly advanced in almost every article. But the source of the prosperity is the increasing independence of the peasantry, and the lightening of the local burthens. Great and beneficial alterations must have taken place in these points, to permit of any amelioration under actual circumstances; it is on the progress of these alterations that hopes of increased consumption of our manufactures must be founded. This increase will of course be immediately effected by the large credit which this year's production will open to Turkey in Europe\*."

But the basis of all M. De Lamartine's views respecting Turkey, is his notion, that "there are only between two or three millions of Turks in the whole empire; even that estimate is far above the truth, since the Turks are to be found but in one or two capitals." By Turks, he means, of course, the Mussulmans; confounding, as is usual, the Mussulmans under one name, as opposed to Christians. So startling a fact as this, we should think required testimony of no ordinary kind to establish. Could M. De Lamartine's coasting journey supply him with the grounds, even in his own mind, for coming to such a conclusion? What testimony does he give us? official reports? statistical tables? observations of other travellers, accurately and laboriously collated? None of these—two or three pages of general observations, two thirds of which are false, and none of which could be admitted as testimony, even if bearing his construction—in the course of which he refers to but one traveller in the East, Mr. Fontanier, a man, be it observed, in every point of view unworthy of the slightest consideration, and notorious wherever he has resided.

M. De Lamartine's assertion is worth nothing, because wholly unsupported—he furnishes himself proofs sufficient to convict him of unpardonable error. The Turks, he says, would gladly avail themselves of the protection of an European power, to screen themselves from the vengeance of a people they have oppressed; and again that these people, one and all of them, are looking eagerly to Russia; how then, in the nature of things, would it be possible for two or three millions of Turks to keep under twenty or thirty millions, whilst, in addition to this herculean task, they have to oppose the whole

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\* *England, France, Russia, and Turkey*, 5th edition, pp. 102—106.

weight of Russia and the diplomacy of the whole of Europe, so long the tool, and the most efficient instrument, in the hands of Russia?

Truly we cannot but conclude, admitting for a moment M. De Lamartine's calculation, that the government of Turkey must be the most enlightened one that the world ever saw, and if two millions of Turks could hold down the ambitious aspirations of ten times as many exasperated subjects\*, there must be in their system something conciliatory beyond what one can conceive in the power of man—something of supernatural wisdom; in fact, a system formed so admirably as to exceed the bounds of human belief.

Let M. De Lamartine now think, with a moment's redeeming remorse, on the hospitality and kindness he has received under the shadow of the Ottoman sceptre, and of the return he has made. Let him remember the descriptions he has given of a people—whom he devotes to extermination in behoof of humanity—on whom he calls down the fanaticism of Christian Europe—against whom he excites the cupidity of the western powers (which may sacrifice the victim, but will never be able to glut themselves with the spoil). Let him think of the feelings of any Turk, reading (and Turkey feels that she has too deep a stake in European opinion, for his volumes not to be read there) his insensate speculations, and let him picture to himself the effect that such a perusal must have on the disposition to admire and imitate European instruction, which he found amongst the Turks. Their indignation will not rest with the reprobation of this vain man's ingratitude, but will extend to the state of society to which such sentiments could be addressed. Can other words of milder import be found, to express the feeling to which the knowledge of the publication of such shameless, though public turpitude, must give rise in the minds of the Turk as applicable to European opinion, than ignorance, religious fanaticism, and political dishonesty? M. De Lamartine had an opportunity of recanting these sentiments—he has not done so; and if France do not repudiate

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\* Not that we calculate the Christians at that number; but as the total number is nearly thirty millions, our author's supposition of two or three millions of Turks alone, leaves of course the remainder as the oppressed subjects.

them, it behoves us, at least, to show that there exist in England, men who are not unmindful of the hospitality they have there enjoyed; who are as alive to a sense of public as of private integrity—of national as of personal interest; who have brought home a grateful remembrance of her primitive manners and simple institutions; who seek, it is true, to preserve Turkey for the sake of England, but who have learnt to respect her for her own.

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## ARTICLE II.

*Speeches of the Right Honourable George Canning, with a Memoir of his Life.* Third Edition. London: 1836.

WHY is it that there are so few authentic and unmaimed remains of English parliamentary eloquence? Whence the curious anomaly that in England, with her free constitution and popular assemblies, and amid the redundant eloquence of English poetry and prose, the national literature has been barren of oratory? Freedom is not alone its grandest object, but its true source. To be an orator, according to Longinus, is denied to the slave. The same opinion is expressed in a tone of compromise by the author of the dialogue *De Oratoribus*, under the benign despotism of Vespasian. It is fully borne out by the experience of ages and of nations. In Greece, the race of orators perished with the race of freemen, to be succeeded by rhetoricians and sophists. Cicero, the first orator of Rome, was the friend of Brutus. Roman eloquence would have expired with the republic, if it had not found refuge with the genius of Roman freedom in the cabinets and writings of Livy and Tacitus.

Modern experience is equally conclusive. If the French have cultivated pulpit oratory, and produced some *chefs-d'œuvre* in that kind, under the iron yoke of Louis XIV., it is because the church of France arrogated a spiritual authority co-ordinate with the temporal, and asserted practically, if not in dogma, its independence of the Papal power. In short, Athens, Rome, and the church of France, were eloquent, because they were free.

England, beyond all modern nations, has combined the essential requisites of a free government and intellectual cultivation. She should have equalled, if not surpassed, the free states of antiquity, in the most important and extensive department of the art—that of deliberative or political oratory. The scheme and practice of her institutions are essentially popular. All public business, from affairs of state down to those of a corporation or a vestry, is subject to popular debate. Public speaking is a familiar object of ambition and use among all ranks of the people. In England, it may be said of eloquence, as of knowledge—that it is power. In every situation it exercises a paramount influence, commensurate with its sphere. It is the chief talent for becoming the first man in the capital or in a village. Eloquence can open to its possessor the way to parliament. Without it, no one can be a leading partisan—without pretensions to it, no one can be a leading minister.

The English parliament should be the best school of oratory that has ever existed. It is not only a legislative council, but a supreme court of remedy, to which the subject resorts in case of individual wrong, and which combines, therefore, the means and matter of forensic eloquence with the business of legislation and government. Not only our own great transactions, interests, and agitations, but those of Europe and the world, come under the jurisdiction of parliament. How scantily, with all this, have our parliamentary orators contributed, as such, to the classic literature of their country!

This phenomenon may, we think, be referred to the united operation of two causes: first, the peculiar character and manner of parliamentary debate, in which so much is necessarily unpremeditated and fugitive; next, the jealous vigilance with which the parliament so long pretended, as a matter of privilege, to forbid the public all cognizance of its proceedings.

Both causes have operated in preventing, not only the transmission, but the existence, of such master-pieces as those left by the great orators of antiquity. The latter, however, is the main cause. The orator, more than any other artist—more than even the poet—requires, for the exercise of his faculty in its highest pitch, the suffrages and sympathies of men. These stimulants acted powerfully in the republican

communities of Greece. They who cultivated or admired this, then glorious art, came from all parts to hear the orators of Athens. Copies of celebrated orations were multiplied and circulated with an industry amounting to publication. Æschines read to his hosts in exile, not only his own oration, but that of his immortal adversary.

To the same causes may be ascribed the perfection of Roman oratory. Quintilian, or whoever wrote the dialogue before cited, says, in alluding to the Ciceronian age, "Oratori autem clamore plausuque opus est et velut quodam theatro, qualia quotidie antiquis oratoribus contingebant, cum tot pariter ac tam nobiles forum coarctarent, cum clientelæ quoque et tribus et municipiorum legationes, ac partes Italiæ periclitantibus assisterent, cum in plerisque judiciis crederet populus Romanus sua interesse quid judicaretur. Satis constat C. Corneliū, et M. Scaurum, et T. Milonem, et L. Bæstium, et P. Vatiniū, concursu totius civitatis et accusatos et defensos, ut frigidissimos quosque oratores ipsa certantis populi studia excitare et incendere potuerint." The dialogue then proceeds to show how Roman eloquence declined when publicity and popular sympathy were cut off by the imperial despotism. The same causes have produced the same effects, *mutatis mutandis*, upon English eloquence. Genius was neutralized, and the art unknown, under the ordinance of secrecy.

This may be seen at a glance in the history of the English parliament. Our language was copious and cultivated, as used by Cardinal Wolsey and Sir Thomas More. The prose writings of that period are not duly estimated, and some men had the much rarer art of being eloquent in verse. But it would be idle to seek eloquence in the parliaments of Henry VIII. They have dated their existence only by ministering to the caprices of cruelty and sensuality, which characterised that inhuman prince.

Under the despotic genius of Elizabeth, the parliament was a cypher. The elder Cecil neither wrote nor spoke eloquently; and his son, who, with his diminutive and deformed person and sickly countenance, was reputed the most graceful and persuasive orator of his time, has left some elaborately prepared or carefully reported speeches, which do not bear out his reputation. He made clear statements of the wants of the



crown to the House of Commons, and enforced them, not by eloquence or argument, but by the command of the sovereign. When he addressed them in a different strain, it was only to offer up the incense of servile and extravagant flatteries to the queen.

In the reign of James I., there were timid discussions and pusillanimous remonstrances. Even the genius of Bacon seems stunted by despotism and his disastrous servility. His reasoning faculty, in the philosopher supreme, degenerates, in the parliamentary orator, to artifice and sophistry; his learning and fancy, to pedantry and conceits.

The earliest gleams of parliamentary eloquence are observed in the first parliament of Charles I. New impulses of political liberty and religious speculation, in his unfortunate reign, brought forth a new race of freemen and orators. The causes which we have stated were now dormant, or they were counteracted by antagonist principles and the spirit of the age. The leading members, especially those who advocated the popular cause, looking for support to the people without doors, prepared their speeches with the utmost care, in a popular and stirring tone, and gave them to the world from their own notes, or the notes of others revised by them. The English, like the Roman people (in the passage before cited), believed, at this period, that their highest interests were at stake (*sua interesse*) in the deliberations of the parliament, and they looked on with strong sympathy. It is true, there was not then, as now, the great engine of a newspaper press, to circulate the proceedings and the eloquence of parliament, with electric rapidity, among the people; but the issue of pamphlets was immense, and to a certain extent answered the same end. Hence were produced, and hence we possess, some genuine remains of the sage and methodical, yet figurative and inspiring, eloquence of Pym; of the classic and courageous fervour of Elliot; of the nervous brevity and simplicity of Rudyard; some fragments which breathe the generous ambition and gallant patriotism of Hampden; the dark, subtle, and daring spirit of St. John; the artful, versatile, and enthusiast genius of the younger Vane; the wit, fancy, and ingenuity of the eccentric Lord Digby; the improved and flowing style of Waller.

We must not confound the liberal arts with licentious

gaiety and sumptuous dissipation. They are slandered when they are said to have revived and flourished with the restoration of Charles II. The character of that epoch seems strangely and generally mistaken. We read or hear constantly of "the fine gentlemen"—"the polished wits," &c. of the age of the second Charles. This delusion, propagated by senseless echo from generation to generation, is well exposed by Horace Walpole.—"One is annoyed," says he, "at hearing the age of Charles II. called polite. Because the Presbyterians and religionists had affected to call every thing by a scripture name, the new court affected to call every thing by its own name. That age had no pretensions to politeness but by its resemblance to another, which called its own grossness polite—the age of Aristophanes. Would a Scythian have been civilised by the Athenian stage?" [Walpole, be it remembered, alludes only to the *Comedia vetus*.] "or a Hottentot by the drawing room of Charles II.?" "The characters and anecdotes being forgot, the state poems of that time are a heap of senseless ribaldry, scarcely in rhyme, and more seldom in metre. When Satyrs were brought to court, no wonder the Graces would not trust themselves there."

The rude austerities of the Commonwealth are generally overcharged; and fanaticism and false zeal were waning so fast, that any presumable government, in continuation of the commonwealth, must have been more propitious to genius and the arts, than the heedless, heartless, profligate tyranny of the counter-revolution. There is not in English history an epoch more humiliating. The nation appears to have prostrated its liberties and itself in a strange access of servility, at the feet of one of the most worthless of princes. The temptation to tyranny was so glaring, that it almost excuses the tyrant. Liberty and rights vanished from the language of the people, and with them, of course, eloquence.

It is true, that in the latter part of the reign of Charles II. there were violent jars and keen contentions in parliament. Halifax was a man of talent, wit, and eloquence. Shaftesbury, with his commanding talents, his restless and boundless ambition, the variety of his endowments, and energy of his mind, might have been a great parliamentary orator. For

their real merits we have no testimony but their fame. The bill of exclusion was calculated to bring out the parliamentary oratory of the period in its highest pitch—the conflicts between Shaftesbury and Halifax, uncle and nephew, which ended with the triumph of the latter, are famous in history, and in the verses of Dryden; but how far the orators deserved their renown we have no direct means of knowing. The speeches, so called in the parliamentary history, are maimed and meagre fragments. Clarendon has left some good specimens of deliberative eloquence in a complete and authentic form. But the parliament was governed by rank and shameless bribery on one side—by intrigues, factions, and plots on the other—not by eloquence in debate, or by the action of public opinion. The political leader, therefore, thought less of being a parliamentary speaker, than a dexterous courtier, intriguer, or conspirator.

Upon the accession of James, the parliament, and more particularly the House of Commons, acted with the same servility as at the Restoration. James was, it is true, soon resisted and dethroned. But had he been less of a religionist, he might have been even more of a tyrant with impunity. The revolution was not a great popular or national movement. A powerful party changed the dynasty, and reformed the government for party interests, by appealing rather to religious zeal than to the love of freedom. The debates and conferences of both Houses upon the great question of the revolution itself are fully preserved—they contain learning, reasoning, and ingenuity, but without a single passage or movement of the eloquence of the passions—or of generous or bold principles—or of comprehensive views.

The revolution of 1688 asserted and secured several rights and liberties of the English people; but the essential liberty of speech and of the press, was not of the number. The proceedings in parliament were guarded with a stricter jealousy than ever, and no advance was made in oratory.

The period comprehending the reigns of Anne and George I., forms an illustrious age of literature. But it was peculiarly the age of fine writing—of wit, sense, philosophy, fastidious discipline, and polished style; and, therefore, not favourable to the boldness and impetuosity of diction, emotion,

and imagination, which belong to oratory. The main prevailing cause operated, at the same time, more powerfully than ever. The Inquisition or the Divan could scarcely have framed an ordinance of secrecy to shroud their proceedings, more jealous and gloomy than the following resolution of the House of Commons, so late as the 11th of George II. :—

*Resolved.*—"That it is an high indignity to and a notorious breach of the privilege of this House, for any news writer, in letters or other papers, (as MINUTES, or under any other denomination), or for any printer or any publisher of any printed newspaper, of any denomination, to presume to insert in the said letters or papers, or to give therein, any account of the debates, or other proceedings of this House, or any Committee thereof, as well during the recess, as the sitting in parliament; and that this House will proceed with the utmost severity against such offenders."

Lord Somers was not only an accomplished scholar and statesman, but, according to Horace Walpole, "a master orator." We, however, have no monument worth naming of his eloquence in parliament, and but one even at the bar—the celebrated judgment in the banker's case; and this master-piece of reasoning and method indicates that his eloquence had more of clearness, terseness, and point, than elevation, vigour, or vivacity. Lord Bolingbroke, spontaneous, exuberant, rich in knowledge and imagination, sagacious, and resplendent, even when his views are inaccurate or oblique, and with a peculiar command of elegant and flowing language, was formed to excel as a parliamentary orator, and did excel in his time. But the age of eloquence was not yet come; his career in parliament was short, as it was brilliant; and we can judge how he spoke, only by what he has written.

Another man shone or blazed at this period, with a meteor reputation for his hour—Philip, Duke of Wharton. His life, genius, and temperament, suggest a resemblance to Lord Bolingbroke; and, perhaps, a still closer resemblance to the late Lord Byron: but his debaucheries were more abandoned—his levities more profligate—his inconsistencies more unprincipled—his eccentricities more whimsical and wild. There are characters of this singular person, by Walpole, in prose—by Pope, in verse—and both have borne witness to the supremacy of his eloquence:—

"Wharton! (says Pope) the scorn and wonder of our days,  
Whose ruling passion was a bust of praise;

Born with whate'er could win it from the wise;  
 Women and fools must like him, or he dies.  
 Though raptured senates hung on all he spoke,  
 The club must hail him master of the joke.  
 Shall parts so various aim at nothing new?  
 He'll shine a Wilmot, and a Tully too."

"After astonishing the world," says Walpole, "with his wit, levity, eloquence, and adventures, he died a capuchin, in a Spanish convent, at the age of thirty-two." That there should be any remains of his eloquence is more strange, under the circumstances, than that there are so few. Two only of his speeches are preserved; one against the ministry of the day, on the subject of the South Sea scheme, the effect of which was such, that Lord Stanhope, one of the ministers, in replying to it, burst a blood vessel, of which he died; the other, more celebrated for its eloquence—its subject (the defence of Atterbury)—and the circumstances under which it was spoken. Wharton, then in opposition, called on the minister, said he wished to merit his pardon at court by speaking against the bishop—asked for some hints—obtained from the minister a full view of the case, in its strength and weakness—came away—passed the night at a tavern ("a tavern," says Walpole, "was his library, and women of pleasure his muses,") went next day to the House of Lords, without having been in bed, and made a masterly defence for the bishop, upon all the charges against him.

With the reign of George II., however, commenced a new era of political eloquence. Parliament began now to look more to the people, and the people more to the proceedings in parliament. Sketches of the debates, taken by stealth, were circulated covertly in the public journals. From this period may be dated the system of copious, uniform, and animated debate, which exhibits, and in some measure has produced, so many expert, and some few great, speakers. The ministry of Sir Robert Walpole was attacked and defended by a rare assemblage of talents. But the rigour with which secrecy was enforced, the imperfect and furtive means by which feeble and disfigured sketches of speeches appeared in the newspapers, the terrors of parliamentary privilege, suspended over printers and publishers, have left us without genuine or complete remains. We know from the testimony of contemporary

memoirs the distinctive styles, arts, and talents of the several leading orators; but this is almost all that the most curious can discover of the eloquence of Windham, Walpole, Fox, Pulteney, or Pitt. The publications which pretend to be their speeches are imperfect and meagre when at all genuine, or spurious when elaborately written.

One of the first and most distinguished examples of this new eloquence was given by Sir William Windham, a strenuous opponent of Walpole—in early life a jacobite—and to his death a tory; but a man of great public spirit, integrity, and even love of freedom. Eloquence owes the more to him that he honourably distinguished himself by vindicating free discussion in parliament against an oppressive majority, which was unawed by public opinion, because its proceedings were hidden from the public eye. Some idea may be formed of the tyranny exercised in the reign of George I., upon the weaker by the stronger faction, from the fact that this member was threatened with the Tower, and formally censured, for finding fault with the measure of dissolving parliament; and another member forced to make public atonement for saying the measures of government would make the sceptre tremble in the king's hands.

Sir William Windham's personal attack upon Sir Robert Walpole and George II. is the most remarkable fragment remaining under his name, but its genuineness is doubtful. It is interesting, however, as an indication of the style and tone of parliamentary debate at the time.

"I have been told, Sir, that no faith is to be given to prophecies, therefore I shall not pretend to prophesy; but I may suppose a case, which, though it has not yet happened, may possibly happen. Let us then suppose a man of mean fortune, and obscure origin, abandoned to all notions of virtue and honour, and pursuing no object but his own aggrandizement, raised by the caprice of fortune to the station of first minister. Let us suppose him palpably deficient in the knowledge of the interests of his country, and employing in all transactions with foreign powers men still more ignorant than himself. Let us suppose the honour of the nation tarnished; her political consequence lost; her commerce insulted; her merchants plundered; her seamen perishing in the depths of dungeons, and all these circumstances palliated or overlooked, lest his administration should be endangered. Suppose him possessed of immense wealth, the spoils of an impoverished nation; and suppose this wealth employed to purchase seats in the national senate for his confidential friends and favourites. In such a parliament, suppose all attempts to inquire into his conduct constantly overruled, by a corrupt majority, who are rewarded for their treachery to the public by a profuse distribution of pensions, posts, and places under the minister. Let us suppose this

minister insolently domineering over all men of sense, figure, and fortune, in the nation; and having no virtuous principle of his own, ridiculing it in others, and endeavouring to destroy or contaminate it in all. With such a minister, and such a parliament, let us suppose a prince upon the throne, uninformed and unacquainted with the interests or inclinations of his people; weak, capricious, and actuated at once by the passions of ambition and avarice. Should such a case ever occur, could any greater curse happen to a nation, than such a prince, advised by such a minister, and that minister supported by such a parliament? The existence of such a prince and such a minister no human laws may indeed be adequate to prevent; but the existence of such a parliament may and ought to be prevented,—and the repeal of the law in question (the Septennial Act) I conceive to be a most obvious, necessary, and indispensable means for the accomplishment of that purpose."

It is a fact worth remembering, that this passage was spoken by a tory opposition leader, reprobating the whig measure of septennial parliaments.

But the fame of having created and inspired "the eloquence of free minds" in the British parliament belongs to the name of Chatham. At present most people consider what have been given in print for the speeches of Lord Chatham as declamations composed *ad libitum* by Dr. Johnson. Too much of the merit, however, has been assigned to the latter. Though the structure be Johnson's, there are gleams of thought and fancy which must have come from the orator, because they bear internal evidence of his mind and manner, and are so alien to the cast of thought and style of Johnson, that they could not have proceeded from him. This supposition is borne out by the process of manufacturing the printed speeches. A man endued with a remarkable memory listened to a debate, came away full charged, and delivered his materials to a superior artist, who re-constructed them—doubtless with much of his own and in his own manner—but still following, as far as he was able, the original design.

The chief use, however, to be made of all that remains under the name of Lord Chatham, is to discern the peculiar character of his eloquence. Nature appears to have created him for supremacy as an orator. He had the finest genius, every advantage of countenance and form, and a contagious ardour and intrepidity of soul which circulated his sentiments around him with electric sympathy. We have his own testimony that he studied and loved the ancient classics. But he seems to have modelled himself upon neither of the two great masters of antiquity. He possessed qualities common to

both—compact vigour and rapidity like the Athenian—redundancy and imagination like the Roman; but it would appear that he did not, even on the greatest occasions, work his topics and his arguments, as they did, into a complete and elaborate form. His chief discipline, as an orator, related to delivery; for the rest he trusted to his knowledge of the matter, and the inspirations of his genius. Accordingly his dialectics were disjointed—his march desultory. He frequently rose again in the course of a debate to supply omissions in his speech, present new views, or give vent to new impulses. The first Lord Holland, with the advantages of only close reasoning and *sang froid*, frequently balanced the more splendid performances of his adversary. One faculty, and that of the highest order, Lord Chatham had pre-eminently—beyond, we may venture to say, any modern or ancient orator—imagination; the imagination, let it be remembered, of an orator, not of a Homer or a Milton. This imagination is conspicuously and characteristically displayed in the orations of Cicero and Burke; but in both the most admired flights leave visible traces of study and the pen. Lord Chatham's faculty, on the other hand, was spontaneous, vivid, surprising. It fastened, for its purposes, upon any and every object within its reach. A sudden glance at the tapestry of the House of Lords suggested to him his famous allusion to the patriot ancestor frowning from the canvass upon the degenerate descendant. He never went in search of the figurative out of the immediate sphere of his hearers. The commonest, the most unpromising objects around him, even to the crutch which denoted infirmity and pain, and which would have been fatal to the eloquence of another man, were converted, by the prowess of his wit, his fancy, and his rhetoric, above all, his delivery, into weapons of war; and became, not only efficient but ennobled in his hands. Lord Chatham was unrivalled in grace and force of delivery. He had the finest organ in the world—"Sometimes resembling thunder, and sometimes the music of the spheres." The lightning of his eye was not to be endured, even to the latest hour of his career in parliament, when he was worn down by sickness and his years. We have heard his last appearance in the House of Lords described by an eyewitness, whose impressions were still vivid after the lapse of half



a century. The question was the acknowledgment of American independence. Lord Chatham, as it is well known, contended *for* the right of sovereignty as strenuously as *against* the right of taxation. He rose and spoke rather feebly, scarce able to sustain himself, and urging chiefly the wrong to the heir apparent in alienating without his consent, a splendid appanage of the crown. The Duke of Richmond, in his homely manner, said this was all very well; but where were they to find men to reconquer America? Lord Chatham again rose—"The noble duke," said he, "asks me where we are to find men? Are there no men in England? Look, my lords,—look at your lordships' bar,"—uttering the words in a sort of heart-cry, and turning his pale and emaciated face to the crowd of strangers behind the bar—the shrinking crowd receded for a moment, like a wave, whilst the orator, exhausted by this movement of enthusiasm and emotion, fainted in the arms of the peers who sat immediately around him. Lord Chatham, in fine, possessed the genius of oratory in the highest degree, but he did not carry parliamentary eloquence to the height which it has since reached. His were rather sublime and impassioned sallies than comprehensive and complete orations.

The chief cause is that which we have already named—the disastrous privilege of secrecy. Had the debates been then freely published—had the practice of reporting been carried to such perfection as now, Lord Chatham would have been more perfect as an orator; his speeches more comprehensive and methodical; his reasoning power and his knowledge more efficiently brought into play, without impairing his ardour, energy, or imagination; and some genuine or more nearly genuine monuments of his eloquence would have survived him.

But it was attempted, at this very period, to crush in its infancy the practice of reporting, and prevent any notices whatever of the proceedings in parliament from reaching the people. The attempt fortunately not only proved abortive, but tended to strengthen and perpetuate a great public right. The thanks of the country are for ever due to Wilkes and two other aldermen of London, Crosby and Oliver, who achieved against the House of Commons this popular conquest. Two or three printers, "guilty of publishing in violation of the standing orders," &c. &c., were taken into custody by

messengers of the house, under the speaker's warrant. Those magistrates discharged the printers from custody, and committed the messengers. The House took violent offence; but after various proceedings of great pomp and menace, retreated from the contest by a subterfuge. The consequence was, that the debates, hitherto published covertly, were thenceforth recorded in every newspaper openly and avowedly, with the names of the speakers. Still, however, though the printing and publishing went on unmolested, every obstacle was thrown in the way within the immediate power of the House of Commons. Any person observed in the gallery, with a scrap of paper in his hand, was taken into custody on the instant. This strange notion of obstructing the more full and faithful communication of the proceedings, and yet not daring to repress the publication—in short, taking all care that, as reports could not be totally prevented, the House should have the satisfaction of at least seeing them garbled and incorrect—has not been wholly and explicitly removed even to this hour. Were the question put, whether journalists attend to report by connivance or by open sufferance, we have no doubt the sticklers for privilege would decide for the former.

Lords Hardwicke, Camden, and Mansfield, have left behind them distinguished names, but few memorials of their eloquence. It was not of the first order. Lord Hardwicke had passed directly to the Bar from a solicitor's office without any preparative tincture of liberal study. He was made Solicitor General through the invidious favour of Lord Macclesfield, when he had yet been but a year or two at the Bar. The speech which first proved his talents on a level with his promotion—his reply in the case of Sayer, tried for high treason—has the merit of a clear and comprehensive review of the evidence, with the still higher and rarer praise of being temperate and humane. "Lord Hardwicke," says Lord Chesterfield, "performed his duty in a manner very different from his predecessors, who were justly called the blood hounds of the crown." But taking this speech—which, by the way, bears internal evidence of being fully and faithfully reported or revised—as a specimen of eloquence, it will be found inelegant and illiterate. Lord Chesterfield says of him, that "he loved and cultivated the *belles lettres*." But it is evident, that

with his characteristic industry, he instructed and qualified himself as he advanced. "It was late in life," says the late Mr. Butler, in his *Reminiscences*, "that Lord Hardwicke took up the study of polite literature, but he pursued it with earnestness." As a speaker in Parliament, he appears never to have divested himself of the cautious and petty pleader. He was eminently great, only as a judicial magistrate. Wilkes, Burke, and Lord Mansfield, high authorities, seldom coinciding, were agreed that, "when he spoke, wisdom herself might be supposed to put forth her oracles."

Lord Camden's eloquence was characterised by a noble simplicity—a total absence of art and effort. He wanted the fervour and imagination of Chatham, but had his generous impulses and enlightened views. The value of what he said, consisted in his thoughts. But he had, still, a very peculiar mastery of language—using familiar expressions with a newness of application which gave them point and dignity, and adopting the vocabulary of common life without meanness.

There are more *data* remaining for judging the eloquence of Lord Mansfield. His arts and talents appear to have been those which constitute an accomplished public speaker, not a great orator. We have funereal characters of him by political partisans and personal friends, professed authors and literary amateurs; but such likenesses, snatched from the tomb, are little else than occasions for flattery and fine writing. They are as those monuments of ancient sculpture, representing the apotheosis of a hero, in which the most expert connoisseur finds it difficult to recognise the mortal. Lord Mansfield, doubtless, must not be judged by the imperfect records of his speeches; in the first place, because they are imperfect; in the second place, because they are disenchanted of his personal delivery. His contemporaries, without exception, have borne testimony to the magic, as it has been called, of his declamation. He was, in short, a great actor; and great acting can not only exalt what is noble, but throw a factitious glory over commonplace. Without trying him, however, by the standard of his reported speeches (and his judgments have so much the tone and trick of advocacy, that they may be ranged under that denomination), there is still enough to determine the traits of his oratory. The sublime of Lord Mans-

field seems to have consisted in sounding periods, so plausibly delivered as to disguise from the hearer unsteady ideas and unfinished sense; his power over the passions in a certain dexterity, with which he touched the selfish or personal in human nature. His logic was habitually disingenuous and sophistical. He is said to have been unrivalled in insinuation, which itself clearly implies that he wanted, not only good faith, but force. The following passage from his speech, when Solicitor General, in the famous case of Owen, is peculiarly distinctive of him, and illustrative of what we have just said.

“ The question is, whether the jury are satisfied that the defendant, Owen, published the pamphlet? The rest follows of course. If the fact is proved, the libel proves itself, sedition, disturbance, &c. Therefore, the printer must be affected with every thing in the pamphlet, if the publication is proved; and that is what lies for your (the jury’s) determination, you being judges of the fact; the judge determines the law. *But suppose you judges of the law, your own breasts may tell you this is a libel. It accuses the House of Commons of injustice,—compares them to the Turkish Divan, meant by the letters D——n, and the Inquisition, meant by the letters In——n; and calls them a bribed assembly. Suppose a pamphlet were published after this trial, that you (the jury) were perjured and bribed, and this spread over the kingdom, would it not gall you?*” Artifice, insinuation, and disingenuousness, could hardly be carried further.

His speech as a Peer, in the appeal of the Chamberlain of London against Evans, is justly admired. It is at once ingenious and convincing; but still, his favourite forms are the disjunctive syllogism and dilemma, which are the most common masks for a sophism, or a *petitio principii*.

The name of Dunning is associated with the oratory of the bar and parliament: unhappily, little remains but the name. He seems to have resembled the wits of Queen Anne, in their sententious terseness and graceful pleasantry, with, perhaps, more of logic in his antithesis, and more vigour in his movements. He affected new words of classic origin. The term “comity” was introduced by him for courtesy, but has not we believe survived him. He failed to reach the first rank in parliament; and even at the bar, though the first of his day,

he left to Erskine the glory of fixing the date of forensic eloquence in England.

It is not till the era and the performances of Burke, Fox, Pitt, and Sheridan, that English eloquence reached such development and excellence, as to bear comparison with the standard remains of antiquity. There was now the happiest concourse of high themes and great events, with commensurate talents. The men of that day seem to have been born for their age. The scenes which were then passing in America, in India, in France, presented the most glorious field to the English orator. They bore a certain resemblance to the occasions which inspired the eloquence of Athens, and a still closer affinity to the Ciceronian age; surpassing both, not in moral grandeur, perhaps, but incalculably, in greatness of interests and in vastness of sphere. These illustrious dead are remembered by persons still living; and the genius, character, and eloquence of each respectively have been so often treated, that their leading traits are familiar to all. We do not pretend to characterise them. Our chief business is with the pitch to which they raised, and the state in which they left, the eloquence of parliament.

The four whom we have named, were great orators; but how widely did they differ from each other! Each might have been the head of a distinct and peculiar school,—a remarkable proof, by the way, of the compass of English eloquence, and the English language. Burke and Sheridan subjected themselves to meditation and the labours of composition; yet how different in thought, style, and form! Fox and Pitt probably never wrote a page of any speech, even on the greatest occasions, when they might have composed with perfect security—as in bringing forward a question, and opening a debate; yet, how opposed to each other, in all the leading features of oratory! Pitt spoke long and involved but triumphantly-developed sentences, with the command and clearness of one who repeated from preparation and memory. Fox, at the commencement of his speech, was awkward in his action—embarrassed in his diction—and, if not confused, yet unmethodical in his ideas; but he became inspired as he advanced; as his temper became heated, his intellect shone brighter; the energy of his reasoning, the force of his dialectics, kept pace

with the elevation of his ethics and his views; and the only embarrassment of his diction arose from its vehemence and redundancy. Burke and Sheridan have proved that the process of meditation and composition, which essentially distinguishes the ancient schools of eloquence, both Greek and Roman, is available and efficient in the conflict of English parliamentary debate. Fox and Pitt have shown—the one, that a powerful intellect, generous impulses, and an impetuous temperament; the other, that a high station of mind, a commanding view of the subject—and of his auditory—a self-possession, cold and proud, and conscious of supremacy, can supply the place of preparation, and studied arts.

Those four leading orators had attained the acme of their talents and fame, before the appearance of Canning;—he belongs to the succeeding generation, but ranks with them in genius, and was a more accomplished orator. The conjuncture was the most favourable for a highly endowed and ambitious aspirant. English eloquence, at this period, if inferior to the classic models in elaborate perfection, had the advantage in compass, variety, and freedom. The student had his masters living and working before his eyes, and every day, multiplying *chefs d'œuvre*. Canning closely studied those great masters, but does not appear to have imitated any of them. He differs from them as much as they differ from each other. He evidently was well aware of their respective defects, and profited by them.

The course pursued by Canning, and the style and manner which he formed for himself, were the most consonant with his previous discipline, and natural endowments. He has been reproached with adopting the florid diffuseness and studied graces of Cicero, in preference to the vigour, rapidity, and simplicity of Demosthenes. But it should be recollected what Canning was, when he commenced his parliamentary career,—a young man, splendidly, perhaps prematurely distinguished, not only at Oxford, but at Eton, for wit and fancy, and the graces of ornamental literature. It is obvious that, thus prepared, he must have flung away many of his advantages—and those the most attractive and dazzling to a young man—as unbecoming, or inconsistent with the stern force and simpler traits of the Demosthenic order. He, therefore, natu-

rally preferred the magnificent eloquence of Cicero, which courted all the aids and ornaments of his fancy and his accomplishments.

Canning, with his admiration of Pitt as a statesman, appears not to have regarded him for a moment as a model in oratory. This proves the discernment with which he judged Pitt and himself. We can speak of Pitt only from tradition, and his published speeches. Those remains doubtless are, most of them, very imperfectly reported; but there are a few which bear internal marks of care, fulness, and fidelity. That speech in particular, with which he introduced the only measure of his administration which may be called lasting and historic—the union—is known to have been revised by him. The reader, even of the best reported of those speeches, cannot fail to ask himself, as he proceeds, with a sentiment of wonder, what is become of him who had but one great rival in the brightest days of English oratory? A little reflection readily suggests the answer.

Pitt's eloquence was centered essentially in the man. "I verily believe," said Windham, "that Pitt could speak a king's speech extempore;" and this has been received as the *ne plus ultra* of extraordinary powers. There is in the expression much truth, but more of stricture than eulogy. Examine the phrase, and what does it amount to but this—that Pitt could improvise solemn common-places, upon important topics, in a guarded and imposing style? It is surely no credit to Pitt that he could give out, extempore, a speech of five minutes, which any of his subalterns, down to Nicholas Vansittart, could have equalled with but half an hour's preparation. Pitt's reasoning was too diffuse for logic; his forte was in his lofty sarcasms, and the pretension, or the affectation, of a confident, if not contemptuous, superiority over his opponents—his tone, his person, his authority, his power, imposed upon the good faith of his more simple hearers, and gave plausibility to the cheers of his partisans. But all these vanish from the reader. To him the sarcasms and personalities of Pitt, so effective upon the hearer, are but arrogant or petulant, and always disingenuous, sallies; his splendid amplifications seem but mediocré composition, in a verbose style. His classical

quotations are illustrative and correct, and not wanting in fancy and point; but there is more wit and value in Canning's "*tantæne animis cœlestibus iræ*," applied to the intolerance of the bishops, than in all the classical quotations of Pitt. In short, Pitt, seen in his printed speeches, is like a tall man viewed through an inverted telescope—a pigmy miniature, at which, with our association of ideas, we can scarcely help smiling. Whence, then, his superiority as a parliamentary speaker? From the causes above glanced at—from something peculiarly commanding and imposing in his person and his position—in his bearing, his action, his countenance, his haughty, self-sufficient, and self-possessed character—his high ground as an all-swaying minister, backed by a subservient majority, which seemed to exist for the sole purpose of marking the favorite performer's happier movements, by ostentatious signs of emotion, and by covering his common places with the accompaniment of hollow cheering. Canning had too much sagacity not to perceive that the means of Pitt were thus essentially centered in manner, position, and the man—that his eloquence was a most clever and splendid imposture—and that no imposture, however clever and splendid, commands success beyond its hour, or succeeds even for its hour, when taken up by an imitator. The late Lord Londonderry, a magnificent specimen of mediocrity as a speaker, had neither natural judgment nor cultivated taste. Accordingly, he took Pitt for his model, and proved the most wretched of parliamentary speakers. By way of imitating Pitt's manner, he involved himself in endless parentheses, and whimsically discordant metaphors, in which he lost himself inextricably; he made impotent efforts to be sarcastic, and, when he turned round, like Pitt, by way of signal to his satellites behind the treasury bench for their ready cheers, only brought ridicule upon himself and them.

It is to be observed, that we speak of Pitt only as an orator, and would not be understood to measure his intellectual endowments by his parliamentary speeches. The power and compass of his intellect—the force of his character—his genius in short—are to be sought in his career as a statesman—a career which displays the genius of the nation



and the minister, under an aspect of more commanding glory in its very reverses, than that of his Whig predecessors or Tory survivors in their most signal victories. Pitt, with the exception of the short period of the Whig-Tory coalition at the opening of his ministerial life, was a parliamentary leader sailing before the wind with steady majorities.—The views and principles of policy and statesmanship which governed his measures were meditated and developed by him, only in the solitude of his own cabinet, or in the bosom of the cabinet council. He did not condescend, or he had not time, to state them to a House where he was otherwise assured of a majority. In his place in parliament he thought only of the passing triumph of rhetorical personalities, which, however overwhelming at the moment, are almost wholly lost in the printed remains of his speeches.

It is recorded as an observation of Fox, that speeches are made to be spoken; and Buffon—himself, as a writer, one of the most eloquent of men—says, in reference to delivery, “*C’est le corps qui parle au corps.*” This applies to the speeches of Fox and Pitt, but in a much greater degree to the latter. In the reading of Pitt’s speeches, even the most faithfully reported, the orator vanishes with the man. But in Fox’s speeches, even the most imperfectly recorded, there are gleams of a great mind, fragments of a superior talent, which attest the height to which the living orator rose in the actual exercise of his strength. Fox’s rhetoric was essentially in the force of his conviction, as well as of his logic. Pitt’s rhetoric partook of what Madame de Staël calls “*Cette espèce de faconde qui ne vient pas de l’emotion intime de l’âme.*” There is, in his great speech for the abolition of the slave trade, towards the close, a movement of the truest eloquence, in which he refers, by way of illustration, to the early barbarism of Britain contrasted with Roman civilisation.

It is the best remaining specimen of the eloquence of this famous minister, on a subject which can never cease to be interesting.

“Are we,” said he, “justified in concluding that even the practice of human sacrifices proves a total incapacity for civilisation? I believe it will be found, and I beg the serious attention of the house to the fact, that the savage custom

of trading in slaves, and the still more savage custom of human sacrifices, prevailed among nations, now happily, by the blessing of heaven, and the course of events, humane and civilised. There was a time, Sir,—it becomes fit and useful sometimes to revive such humiliating remembrances—there was a time when human sacrifices were offered up in this island—when the trade in slaves also prevailed here; great numbers, says the historian (Henry), were exported from Britain, like cattle, and exposed for sale in the Roman market. There is a curious resemblance in the manner of obtaining those slaves between the wretched natives of Africa, and the early inhabitants of this island: the chief sources which supplied the Roman market from Britain were witchcraft, adultery, debt, war. Suppose a Roman senator reasoning on the principle of some honourable members of this house, and boldly predicting of the barbarous Britons, ‘there is a people incapacitated for civilisation, for freedom, for humanity, without understanding enough to attain the elegant, or even the useful, arts, degraded by the hand of nature below the rest of our species, and obviously destined to supply the more civilised nations of the world with slaves.’ Might not this strain of prediction, or of reasoning, have been applied to Britain, at a former period as it is now applied to the wretched natives of Africa? We, Sir, have long emerged from the state of barbarians—we have almost forgot that we were barbarians once—we are raised to a state of glorious and happy contrast to every circumstance by which we might have been characterised by a Roman—with the exception of one only trace of early barbarism—we continue to this hour the barbarous traffic in slaves. \* \* \* If, then, we feel that perpetual captivity in the fetters of barbarous and brutal ignorance would have been the greatest calamity that could befall us—if we contemplate with grateful joy the blessings which we possess, and the wretchedness out of which we have risen—if we shudder at the bare thought of having continued to be the mart for slaves to Rome, through some cruel Roman policy, in God’s name let us not subject Africa to the same dreadful scourge of fate. \* \* \* If we listen to the voice of reason, duty, and compassion, some of us may live to see in Africa the reverse of that shocking picture which she now presents to our shame. We at least may live to see the Africans pursuing the occupations of industry and regular trade—we may, perhaps, behold the beams of science and philosophy breaking upon that land, to shine there in full lustre at some later time, and joining their influence with that of pure religion, to illuminate and invigorate that immense continent. Then may we hope that Africa, though the last region of the globe in the race of civilisation, shall enjoy, in the evening of her days, those blessings which have become our’s at a much earlier period of the world. Then, too, will England and Europe, sharing in her improvement and prosperity, receive an ample return for the tardy kindness, if kindness it can be called, of no longer chaining Africa in that darkness, which, in other more happy regions, has been so much earlier dispelled.

‘ — Nos primus equis oriens afflavit anhelis,  
 ‘ Illic sera rubens accendit lumina vesper\*.’ ”

But who can remember Pitt’s power, and the fate of the

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\* The above version differs somewhat from the printed collection of Pitt’s speeches. We have taken it from an old pamphlet on the Slave Trade, professing to derive it from the notes of a distinguished Member of Parliament; possibly the late Mr. Wilberforce.

slave question, during his long career as a minister, without having his mind crossed by the notion that this earnest and noble passage had little of the *intime emotion de l'âme*.

Fox owed nothing to manner or discipline. All in him was inborn power. His speeches exhibited the traits, strength, and stature of his mind—not a fashion of oratory. He, therefore, has had no imitators. Canning had not the negligent grandeur, or the impetuosity of movement of Fox; but he had elasticity, and vigour of dialectics, sagacity, fancy, wit, energy, and emotion. Fox was too indolent or social to derive all the advantages within his reach, from preparation and studied delivery. Canning, doubtless, saw the advantages which Fox had thus thrown away, and made them the objects of his utmost care. He saw Pitt gaining triumphs, merely ephemeral, from cultivating too exclusively his prodigious but perishable facility of improvisation, whilst Fox sacrificed a portion of his strength by flinging himself too implicitly on the current of his inherent resources. Profiting by his study of both masters, Canning discarded the splendid facility of the one, and cultivated the aids and accessory graces which the other had neglected. The great aim of Canning seems to have been to combine unpremeditated eloquence and prompt reply, like Fox and Pitt, with the force and finish of composition which distinguished Burke and Sheridan—and he succeeded. He came fully prepared into the field, yet with such a command of his forces (if it may be so expressed), that he could change his order of battle on the exigency of the moment, and blend all that was available in what he had premeditated with what he was under the necessity of improvising.

Some of Canning's finest speeches were replies at a late hour of the night. Many of these, from their not being reported in the next day's newspapers, and the consequent absence of any skeleton which might be filled up, have disappeared for ever. But even in those replies, persons at all conversant with parliamentary debate, and with the manner of Canning, must have perceived, that though the greater part was unprepared, yet the orator had evidently kept points and passages of splendid preparation to be brought up as a reserve. This was an art in which he far excelled Burke and even Sheridan. Burke, indeed, was so unhappily deficient and faulty in delivery, that

he neutralized much of the power of his eloquence, and he is said to have wanted promptitude as a debater. Sheridan sometimes employed a happy thought or phrase, which had undergone a thousand forms in his mind or in his common-place book, with such art as to give it the air of being the inspiration of the moment; but he never occupied a situation, either in opposition or in the ministry, which demanded of him the resources of a frequent and unprepared debater. His appearances were rare, calculated, theatrical, and brilliant. He was a wit, orator, and man of letters. Canning was a wit, orator, debater, and statesman. Burke, with all the meditative sagacity, philosophy, and fancy in his published speeches, deviates sometimes from the style of the orator to that of the pamphleteer. Sheridan degenerates occasionally into elaborate prettiness and sentimentalism, the weakness of which his magical action and intonation concealed from the hearer. His famous speech on the trial of Warren Hastings, not only offends by elaborate puerilities, but does not bear perusal. In the fully reported and revised speeches of Canning, it is not eloquence alone, but oratory, that strikes the reader. The movements and constructions of language—the legitimate and proper forms of rhetoric and dialectics, present, not the writer, but the speaker—and to those who have heard Canning—the orator himself, in all his individuality.

The chief fault in Canning's eloquence is the want of simplicity—the too studious love of point and brilliancy—the too visible presence of art—the too profuse and wanton indulgence of his wit, fancy, and ingenuity. He sacrifices, at least forgets, for the moment, the matter in debate, from a personal desire of shining, or a disposition to hold up his opponent to the malice and mockery of his audience\*. His

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\* We will subjoin here, an elaborate and brilliant passage, in which Mr. Canning indulged his wit, the least objectionably, and with the greatest success, at the expense of Sir John Cox Hippisley. That somewhat simple-minded baronet, and dogmatic theologian, moved an inquiry into the tenets and practices of the Church of Rome, as a prelude to the emancipation of the Roman Catholics. Mr. Canning disposed of his motion as follows:—

“The Honourable Baronet tells you, that you ought to have all the information connected with the Catholic religion, before you agree to the Bill, upon the principle of which you have already decided. He says that

attacks, though not envenomed, were sometimes inconsiderate—his temper was excitable. His disposition, however, was

he has thought so for eight years. To attain the information desired by the Honourable Baronet, a circuit of the world must be taken—every quarter where the Catholic religion is known must be explored; how such an inquiry is to be prosecuted—by what process this House or its committee can reach the information sought for—has not been explained. But if the progress of the Bill is to be suspended until return can be had from Africa—until the practice and effect of the Catholic religion in Canada shall be ascertained—until commissioners sent out for these purposes (and I should recommend the Honourable Baronet himself, as one of the commissioners to be selected, if by such appointment I should not have to deplore his absence from this house) shall have returned, if the committee must continue its office, until the archbishop of Mohilow is brought before it for examination, with his patent in his hand, to explain the degree of his dependence upon the see of Rome; it requires no great sagacity to foresee that the bill must stand for more sessions than one, and that this House and the Catholics must lay in a good stock of patience, if they are to look to no end of their anxiety, till this incalculable labour shall be completed. Looking indeed at the Honourable Baronet's motion, as it has been announced, it is impossible to say where his proposed inquiry is to terminate—for it is not only all the learned lore which the Honourable Baronet has treasured up in his own mind that is to be laid before the committee; it is not only (let not the House be deluded into the hope that it is only) the contents of that bursting box which is placed beside your table; but all the theological controversy in existence, must be thoroughly sifted and understood before this inquiry can close, if the Honourable Baronet's motion, such as I hold in my hand, be indeed to be fully complied with. Nay, and after all the various branches of his motion shall have been disposed of, the labours of the committee will not be at an end; at the end of the motion I find a saving clause, as follows:—‘ Sir J. H. proposes to move for various *other* papers to refer to a committee.’ I am not so wholly unlearned in those branches of study, in which the Honourable Baronet so peculiarly delights, as to be ignorant from what original author the Honourable Baronet derived this style, for I find its archetype in the great *Smalgruenus*, who first published a treatise, ‘ *De omnibus rebus*,’ and then added a supplemental discourse, ‘ *De quibusdam aliis*.’

‘ To take the motion in its most restricted shape, does it not call for information respecting the nomination, collation, and institution of the Catholic clergy, in all Roman Catholic, as well as other countries, in Europe? The Honourable Baronet may smile, but will the House be so ready to smile with him, when they learn that this would require at least one hundred folio volumes to be laid before the committee? Can they look forward, without dismay, to the wading through such a mass of learning, however interesting in itself, or however lightened their toil might be by the able comments of the learned chairman (such I am sure the Honourable Baronet would be), addressed to a listening committee, or to a despairing *quorum*? One hundred volumes in folio did I say? One hundred would not comprise even the elementary books. They would be but a specimen—a mere scantling. In the first place, there are the works of Saint Augustine, in eleven folio volumes, who was called by Erasmus, ‘ *Doctor ecclesiæ incomparabilis*.’ Then there is an author familiar to the Honourable Baronet, Thomas

generous and kind. If he sometimes assailed the weak or unarmed, it seemed in a moment of oblivion, whilst he put forth studiously and fearlessly all his powers of sarcasm and ridicule against the armed and the strong. No one excelled, and few have ever equalled, him in discovering an adversary's weak point, or, by a clever and unexpected turn, retaliating his own argument upon him. His wit and fancy led him into diffuseness, or irrelevant brilliancy; but when most elaborate, ambitious, and diffuse, he was never tedious. He never drew upon the patience of the House. He was always able, at the latest hour, and when the matter seemed exhausted, and the auditory fatigued, to command and rally attention—sometimes even enthusiasm.

It cannot escape the readers of his speeches, that the faults of his eloquence, which we have mentioned, chiefly prevail where he supported measures in discord with the principles of liberty and reason, or a policy which he disapproved individually, and yet was bound to support, as a minister. He incurred, it is known, the obloquy of some odious measures, which he individually condemned, from his being, upon their adoption by the majority of his colleagues, their most efficient

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Aquinas, who was called *Doctor Angelicus sive Theologia Aquinas*; his works are in nineteen folio volumes; of him it was said, '*animam Augustini migrasse in Thomam*,' that the soul of Augustine had migrated into Thomas. Into whom the soul of Thomas migrated this is not the place to inquire. Next comes Duns Scotus, who was called, '*Doctor subtilis*,' and he was opposed to Aquinas tooth and nail;—not with less violence, hitherto, have been opposed the Honourable Baronet and my right honourable friend (Mr. Ryder); Duns Scotus only wrote twelve volumes folio, in his controversy with Aquinas. But following these writers, who must be consulted, before, as the Honourable Baronet expressed himself, any one could step over the threshold to the proposed investigation, we must resort to Bellarmine, a name more familiar to us, a great luminary of the church, who wrote '*Circa potestatem Pontificum in secularibus*,' and whose works are comprised in four quarto volumes, which may be read through in a short sitting of the committee. Bellarmine again is opposed by Dr. Milner, and that Reverend Doctor is opposed by the Honourable Baronet on this very point *de potestate Pontificum*. I say nothing of the difficulty and perplexity occasioned to this unhappy committee by such opposition and contradictions of equiponderant opinions. But in addition to the works I have mentioned, I have another which must be particularly inspected, which is indeed the very grammar, the accidence, of theological policy, which every member of the committee must have at his fingers' ends, I mean the '*Oceanus Juris civilis sive Tractatus Tractatum de Ecclesia*,' in twenty nine folio volumes.' "

and conspicuous defender in parliament. The minister, it is true, might have resigned—but ambition is

“The last infirmity of noble minds.”

We do not for a moment question the sincerity of Canning, in his eloquent diatribes against the French revolution; and we are disposed, with the editor of his speeches, to ascribe the complexion of his opinions on this subject to the period at which he passed the threshold of manhood and of public life—when French republicanism encountered him, not clad in the attractions and glories of his classical associations, but a hideous spectacle of tyranny, massacre, proscription, and social barbarism. His speeches on the various stages of the war with France, are ingenious, able, eloquent—but his powers of oratory are best developed (up to his becoming the successor of Lord Londonderry) on the Slave Trade and Catholic Emancipation.

It was the received opinion whilst Canning lived, even among his adversaries, that he was the most accomplished public speaker of his day. The lapse of time, the fluctuation of political events and feelings, the adjusting influence of death, admit, if they do not ensure, by this time, an unbiassed estimate of his eloquence; and few we believe will now hesitate to place him in the first rank as an orator among the classics of his country. If he did not raise the art to a higher pitch than Chatham and Burke, Fox and Pitt, he extended its sphere, and scattered over it new charms. He had superior faculties, various and splendid endowments and acquirements—above all, that salient spring of emotion and impulse which is the soul of popular oratory. It is of the essence of true talent to rise with the occasion. The eloquence and genius of Canning rose, not only with the subject, but with his position. No minister ever commanded majorities of parliament, by the sole force and supremacy of eloquence, as he did during his short and brilliant ministry. He rallied round him not only the opinion of the Commons of England, but that of liberal Europe. To become prime minister at the time, and in his circumstances, was an achievement without parallel in English history. Popular talent and public distinction, could at all times open the door of parliament, and even of the cabinet; but the pre-

miership was disposed of by a power distinct from the nation and the sovereign,—the Reform Act had not yet been passed. Chatham struggled with this power, *incerto Marte* for a time, but was obliged to succumb. His illustrious son, after the first onset, bowed down and worshipped it. Canning defied and vanquished an organized mass of clerical and aristocratic power combined and arrayed against him.

Canning alone, of our parliamentary orators of the first order, with the exception of Burke, has been just to his own fame and to English oratory, in preparing and revising his great speeches. They bear internal and resistless evidence of his taste and style—the fastidious elegance of his diction—the delicacy of his ear—his sense of oratorical construction and cadence. The marks of revision and care are most observable in his earlier speeches. We will select and cite a short passage to which frequent reference was made in a recent and memorable party conflict—upon the theme of “measures not men.” It was spoken in 1802, during the Addington ministry.”

“But if,” said he, “I am forced to speak my opinion, I have no disguise nor reservation; I do think that this is a time when the administration of the government ought to be in the ablest and fittest hands; I do not think that the hands in which it is now placed answer to that description; I do not pretend to conceal in what quarter I think that fitness most eminently resides; I do not subscribe to the doctrines which have been advanced, that in times like the present the fitness of individuals for their political situations is no part of the consideration to which a member of parliament may fairly turn his attention. I know not a more solemn or important duty that a member of parliament can have to discharge, than by giving, at fit seasons, a free opinion upon the character and qualities of public men. Away with the cant of ‘measures, not men!’ the idle supposition, that it is the harness and not the horses that draw the chariot along! No, Sir, if the comparison must be made, if the distinction must be taken, men are every thing, measures comparatively nothing. I speak, Sir, of times of difficulty and danger; of times when systems are shaken, when precedents and general rules of conduct fail. Then it is, that not to this or that measure, however prudently devised, however blameless in execution, but to the energy and character of individuals, a state must be indebted for its salvation. Then it is that kingdoms rise or fall in proportion as they are upheld, not by well-meant endeavours (laudable though they may be), but by commanding, over-awing talents, by able men. And what is the nature of the times in which we live? Look at France, and see what we have to cope with, and consider what has made her what she is?—*A man*. You will tell me that she was great, and powerful, and formidable, before the date of Buonaparte’s government—that he found in her great physical and moral resources—that he had but to turn them to account. True, and he did so. Compare the situation in which lie



found France to that which he has raised her to. I am no panegyrist of Buonaparte; but I cannot shut my eyes to the superiority of his talents,—to the amazing ascendant of his genius. Tell me not of his measures and his policy. It is his genius, his character, that keeps the world in awe."

Windham's speeches, at least on all great occasions, were prepared or revised by him with the utmost care. They came into the hands of the public in the most elaborate form to which they could be brought by the orator. Cicero's orations are not more perfectly authentic. But the eloquence of Windham was not of the highest order. He had a certain original cast of mind and character, which is not the originality of genius. It is said that he affected singularity in his opinions and views; but in this affectation, if such it was, there was nothing frivolous or vain. It rather seemed as if he gave loose to the fearlessness of his temper and vigour of his faculties in studied defiance of hackneyed notions and conventions.

We pass over the speeches of Grattan, because his eloquence and genius belong to the parliament of Ireland.

The late Lord Grenville must obtain a high place in any estimate of the parliamentary eloquence of his time. His speeches have not been collected and republished in a separate form, though they well deserve a place with those of Burke, Fox, Pitt, and Canning. He was not a popular speaker. He scarcely ever resorted for effect to the artifices of rhetoric or even the forms of logic,—still less to the graces of oratory; he disdained, or did not possess, the aids and ornaments of wit, fancy, or emotion. His enunciation was monotonous, and his action heavy. But he spoke the wisdom of various knowledge and profound meditation, in a tone of which one could not easily question the good faith—and no English statesman has bequeathed in his speeches more instructive views of the political and administrative history of his country.

It is not our purpose, for the present, to review the speakers who now sustain or degrade the character of English parliamentary eloquence; and we could not proceed farther with the dead without collision with the living. Our few concluding remarks shall be general.

Two measures which will ever be looked up to, not only as important, but memorable in the history of English legislation

and government, give lustre to the present epoch—Catholic Emancipation, and Parliamentary Reform. Both measures have given to English oratory a certain change of current and colour, by the new infusion which they have poured into the House of Commons.

The reinforcement of Irish eloquence, supplied by the former measure, is strong and stirring, but somewhat tumultuary. The national genius and peculiar style are there, but the reputation of Irish eloquence continues to be sustained by what is remembered of the brilliant contrasts, the sententious vigour, the graphic power of Grattan—the grasp of mind, the force of dialectics, the play of fancy, and classic taste of Plunket.

Both the representatives and the constituency created by the Reform Act, are still in a somewhat unsettled state. The chief novelty in the aspect of the House of Commons is a small section of philosophical reformers, so called by themselves. It is little more than a mere nucleus, and without denying to it the possession of individual knowledge, talent, and exercised faculties, we see some reasons why it is not likely either to extend the sphere of English oratory, or propagate its own reform creed. The philosophical reformers profess to teach through the medium, or appeal to the tribunal, only of pure reason. But great reforms, like great actions, are achieved by capitulating with opinions, prejudices, passions—by acting upon the imagination rather than the reason of masses of men. This party, however, has not yet developed its views, and we will not here speculate upon its probable course in the approaching session.

We have heard much of the new eloquence—the eloquence of business as contra-distinguished from declamation—which the Reform Bill was destined to produce in the House of Commons; and there are those who affect to talk contemptuously of a written speech. Previous composition for the purposes of mere glitter and parade is bad; but a critical regard to diction, construction, and cadence—as well as to matter and method—is of the very essence of oratory. The pretension to make a masterly speech without previous labour, and the due array both of the topics and the language, is as rank imposture as that of those jugglers in the art of poetry, who pretend to

spout on the instant a lyric or tragic *chef d'œuvre*. A vigorous and disciplined mind may strike off an eloquent harangue *extempore* on an emergency ; but the practice of composition is not the less useful, as it assists the talent of haranguing *ex abundantia*, or of expressing, with effect, a happy inspiration, or of improvising a reply. A certain fluency without premeditation is easy and common. Some gentlemen in the House of Commons, upon the strength of a mere volubility of speech—a certain shallow, babbling, current of the common places of discourse—fancy themselves orators. The worst inconvenience from this is the waste of the public time. A gentleman having got upon his legs, continues upon them for an hour, talking, repeating, and reiterating, to little or no purpose. Had he but taken the trouble of an hour's previous consideration, a speech of half a quarter of an hour would have sufficed, and better served him ; or he would, perhaps, say nothing, having found, on examination, that he had nothing to say. We do not know a more necessary matter of reform, or regulation, in the House of Commons, than that of measuring and limiting the time of a speech by the importance of the subject, and the stock of ideas of the speaker. But such a reform is most difficult, if not impracticable. The *klepsydra* was employed by the Athenians—the sandglass was resorted to for a moment, and laid aside, by the French in the first national assembly. We are not prepared to recommend a chronometrical standard, or scale, in the reformed parliament ; but it strikes us that much would be gained by consigning to the disposal of working committees much of the subordinate and routine business, now transacted by the House. We will add but one observation more—the duty of providing sufficiently spacious galleries for the public to witness the debates in the new House of Commons, is urgent and paramount.

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## ARTICLE III.

*Speech of the Emperor Nicholas to the Municipal Body at Warsaw.*

*The Portfolio; or, a Collection of State Papers, illustrative of the History of our Times.* London: 1835.

*MSS. Papers at the Literary Association of the Friends of Poland.*

POLAND exhibits an ancient state up-rooted by its aggressors—its nationality suppressed—its religion persecuted—its aristocracy banished or degraded—its people in chains; and it awakens the sympathy of every friend of humanity. The heroic struggle of the Poles affords the bright example of a people endeavouring, with unequal means, to maintain constitutional liberty against despotic licentiousness—to oppose European civilisation to Tartar barbarism; it shews them wanderers from their native land, wielding the weapons of truth and justice, waging a moral war, against the disciplined power of their adversaries, and it kindles the enthusiasm of every friend of social liberty.

We are deeply sensible, under these circumstances, of the responsibility which attaches to us in again approaching this question. The cause of Poland can derive no benefit from the support of the political bigot; it can acquire no real strength from the promoters of anarchy. But we are anxious to extend, not to narrow, the circle of Poland's friends; and without compromising an important principle, or suppressing an essential fact, we shall study to avoid every expression that may either wound the feelings of the gallant exiles, or lead us from the broad national ground we seek to occupy, in humbly advocating their rights, into the narrow path of party feeling.

We are desirous, however, to guard against the error which induces many to suppose that the national rights of Poland are based solely on the treaty of Vienna—that her wrongs would be redressed if that treaty were fully carried into effect. By the treaty of Vienna,

“The Duchy of Warsaw, with the exception of the provinces and districts which have been otherwise disposed of in the following articles, is re-united to

the Empire of Russia. *It shall be irrevocably bound BY ITS CONSTITUTION*, and be possessed by His Majesty the Emperor of all the Russias, his heirs, and successors, in perpetuity. His Imperial Majesty reserves to himself to give to this STATE *enjoying a distinct administration*, the territorial extension he shall deem fit. He will take, with his other titles, that of Czar, KING OF POLAND, according to the customary formula used for his other possessions.

The Polish subjects of Russia, Austria, and Prussia, shall obtain a *representation and national institutions*, regulated according to the mode of political existence which each of the governments to which they belong shall judge useful and fitting to grant them\*.

Such is the article, in virtue of which a constitution was conferred upon the Duchy of Warsaw by the Emperor Alexander. But the *Polish nation* was not represented at the Congress of Vienna, and the Poles of the Duchy of Warsaw, in submitting to the charter offered to them, did not for themselves or their fellow countrymen abandon their higher claims to a separate and independent national existence. The rights of Poland, therefore, rest now on the same basis as in the year 1772. The partition in that year "was the dismemberment of the territory of a numerous, brave, ancient, and renowned people; passionately devoted to their native land, without colour of right, or pretext of offence; in a period of profound peace, in defiance of the law of nations, and of the common interest of all states†." A full measure of justice will not be awarded to her, the splendid robbery perpetrated by her powerful neighbours will remain unavenged, till Poland is restored to the position in the European family she occupied previously to that partition.

In this view of the Polish question we are supported by the authority of Lord Grey in his celebrated letter to the patriot Kosciuszko in the year 1814—a letter which we do not apologise to our readers for transcribing here.

"GENERAL,—I request you to accept my thanks for your letter of the 20th of May, which was delivered to me by Count Krukowiecki, and for the flattering expressions with which you have been pleased to honour me.

"Be assured that it is impossible to take a deeper interest than I do in the fate of Poland. The calamities of that brave but unfortunate people—their constancy and their virtues, of which you, General, have given personally so illustrious an example, cannot fail to excite the sympathy of hearts truly imbued with the principles of humanity and justice.

"I am convinced that an enlightened policy is equally favourable to their just claims. *To the first violation of the sacred principles of general liberty*

\* *Treaty of Vienna*, 9th June, 1815.

† *Edinburgh Review*, Vol. XXXVII., p. 463.

*which took place in the partition of Poland in 1772, and those which followed in 1793 and 1795, ought to be attributed all the dangers to which the whole of Europe has since been exposed, and from which we have so happily escaped. There can exist no real security against the return of these dangers, if Poland remain excluded from the benefit of the general deliverance, which, in order to be perfect, ought to be guaranteed by the solemn recognition of the rights and the independence of nations.*

"If the Powers which seek to profit by the injustice, and which in the sequel have suffered so much, could learn the true lesson from experience, they would perceive that their security and their mutual tranquillity would be better preserved by re-establishing among them, as a state truly independent, that country which a false policy has so cruelly oppressed.

"These sentiments, General, are profoundly engraven in my soul; and you may be assured, that, in order to declare them loudly, I shall neglect no occasion in which I may believe I can do so with effect. *If, during the late debates in Parliament, I have not dwelt so much on this subject as I could have desired, THIS PROCEEDS FROM THE CERTAINTY WHICH I HAD, THAT I COULD IN NO WAY INFLUENCE THE POLICY OF THE GOVERNMENT: and the fear of adding, perhaps, to the dangers which threaten the fate of a people, whose cause is so dear to me, but whom present circumstances deprive me of all hope of serving.*

"Receive the most sincere assurances of my respect and my admiration, and believe me, General,

"Your very faithful and humble servant,

(Signed)

"GREY."

Sixteen years passed away, and Lord Grey—the friend of Kosciuszko—was prime minister of England. The Poles had commenced a struggle as sacred and as glorious as their former wars. The "principles of humanity and justice"—"the rights" "and the independence of nations"—pleaded for them as strongly then as formerly. The violation—the mockery of solemn treaties to which England was a party—the national honour and interests—called loudly for the vindication of the country's insulted dignity. Yet the pen which describes the exertions of Lord Castlereagh at the congress of Vienna, on behalf of the Polish people, will record the speech of a distinguished member of Lord Grey's administration *against* the Polish cause, and point to the cold indifference with which his government looked on while Poland almost sunk into her tomb. As sincere friends of freedom, as zealous advocates for the establishment of peace in Europe on a permanent basis, we mourn over the policy adopted at that period. As independent journalists, we seek neither to conceal or palliate a political crime.

The charter granted by Russia to the Duchy of Warsaw, secured, nevertheless, important privileges to the people of that portion of ancient Poland. Had those privileges been respected, political freedom might have been gradually extended, so as to include within its limits all the dissevered parts of the Nation, and a constitutional effort in the Diet, instead of a sanguinary contest in the field, might, in the lapse of time, have effected the regeneration of the country. It becomes of importance, therefore, at the present time, and with reference to the speech\* recently pronounced by the Emperor Nicholas, to state the leading provisions of the constitution promised to the Duchy of Warsaw, and to show how that constitution was trampled upon, before the Poles were driven to resistance by the merciless tyranny which oppressed them. We shall, for the convenience of reference, anticipate the course of events, by placing in juxta-position with an abstract of the Charter the substance of the "Organic Statute," as it was called, by which the Emperor Nicholas, after the late war, published to Europe his contempt for international treaties, and formally tore the seal from the compact—already violated in its more important provisions—which bound the Poles to his Muscovite dominions.

*Charter granted to Poland†.*

The kingdom of Poland shall not be united to the Russian empire except by its Charter. (Art. 1 and 2.)

The sovereign authority cannot be exercised in Poland but in conformity to the principles of this Charter. (Art. 4.)

The coronation of the King of Poland shall take place in the Polish capital, and he shall there take an oath to observe the Charter. (Art. 45.)

*Organic Statute.*

1. *The Statute declares Poland to be an inseparable part of Russia. (Art. 1), and virtually abrogates the whole of the Charter, inasmuch as its contents are in contradiction to the Statute. (Art. 69.)*

2. *The Statute, by abrogating the Charter as above, violates and destroys the fundamental conditions on which the exercise of all rights of Russian sovereignty in Poland is founded.*

3. *The Statute abrogates the oath, and fixes the coronation at Moscow. (Art. 2.)*

\* See this speech at page 85.

† *Polonia. Polish Miscellany. Mémoires de Michel Oginski, Vol. IV.*

*Charter granted to Poland.**Organic Statute.*

Personal liberty and liberty of the press are guaranteed. (Art. 17, 18, 19, 20, 21, 22, 23, 26.)

4. *The Statute collects, indeed, a part of the principles sanctioned by the Charter (Art. 7, 8, 9), but it subjects a corrective which destroys them altogether; for it declares (Art. 10), that the forms of judicial proceedings against persons accused of state offences shall be determined by a special law, the bases of which shall be in accordance with the laws of the Russian empire. Individual liberty shielded by the laws of the most absolute and the most despotic government of Europe! Liberty, guarantee, right, in a country where the will of the master is its law without appeal!!*

*For the liberty of the press there are the same guarantees as for personal liberty. (Art. 13.)*

Every condemned person shall suffer his punishment in the kingdom. (Art. 25.)

5. *The Statute abrogates this provision by Article 69; and the above-mentioned assimilation to the Russian laws shows that the condemned will not escape the deserts of Siberia.*

Offices should be given only to Poles. (Art. 29.)

6. *The Statute declares—*  
*That places should be given as well to the inhabitants of the kingdom of Poland as to those of the other provinces of the empire. (Art. 26.)—Let us remark here the expression OTHER PROVINCES; Poland is, then, declared to be a Russian province!*

*That the section of the Council of the Russian Empire, called the DEPARTMENT OF THE AFFAIRS OF POLAND, sitting at St. Petersburg, and to which all important affairs of administration shall be referred, shall be composed both of the subjects of the empire and of the kingdom. (Art. 31.)*

The Polish nation shall have for ever a representation, composed of the King and the two Chambers, forming the Diet. The Diet has the legislative power, and enacts laws; it votes supplies; it regulates the raising of recruits, and the mint. (Art. 31, 36, 91.)

7. *The Diet is abrogated by the Statute. (Art. 69.) It creates in its place provincial assemblies, with a deliberative voice on the affairs which may be submitted to them. (Art. 53.) The budget depends entirely upon the will or rescript of the Emperor. (Art. 31.)*



*Charter granted to Poland.**Organic Statute.*

The King nominates, among other officers of the kingdom, the diplomatic agents. (Art. 41.)

8.

*The Statute annuls this stipulation. (Art. 26, 69.)*

9.

All orders and decrees of the King shall be countersigned by responsible Ministers. This responsibility is guaranteed by the privilege of impeachment granted to the Chamber of Deputies, and to the Upper Chamber to judge them. (Art. 47, 82, 116.)

*The Statute abrogates this provision by enacting that the decrees shall be countersigned by the Minister Secretary of State (who is not a responsible officer). (Art. 33, 69.)*

10.

In case of a minority, the Council of the Regency shall be chosen by the Senate of Poland. (Art. 51.)

*The Statute abrogates this provision by Art. 69, and determines that the power of the Russian Regency, male or female, shall be extended over Poland without any limitation. (Art. 4.)*

11.

Foreign affairs, in as far as they relate to the kingdom of Poland, shall be confided to the Polish Secretary of State. (Art. 81.)

*The Statute abrogates this provision. (Art. 69.)*

12.

The judicial order is constitutionally independent, and the judges are not removable. (Art. 138, 141.)

*The Statute abrogates this provision by declaring that the judges nominated shall retain their functions until they are revoked by the Emperor. (Art. 57.)*

13.

There shall be a Polish army, and it shall retain its nationality in every respect. (Art. 154, 156.)

*The Statute abrogates this provision by establishing a principle, that there shall be no distinct Polish troops. (Art. 20.)*

14.

The existence of a Polish coinage is fixed by two articles of the Charter. (Art. 37, 91.)

*The Statute abrogates this provision by Art. 69.*

15.

The King shall not enact any thing by virtue of an ordinance, except in cases not the subject of the law, or of an organic statute, and in cases which do not interfere with the functions of the Diet.

*The Statute abrogates these provisions by Art. 69, and substitutes, that laws shall be enacted by the Emperor HIMSELF, after having in a last resort passed through the examination and confirmation of the Council of the Russian Empire. (Art. 31.)*

According to the Charter, law is defined, a decree passed through the two Chambers and sanctioned by the King. (Art. 163, 104, 105.)

*Charter granted to Poland.**Organic Statute.*

The punishment of confiscation is abolished, and shall not be revived in any instance. (Art. 159.)\*

16.

*The Statute determines that confiscation is re-established, and that it shall be applicable to crimes of state of the first class. This denomination of CRIME OF THE FIRST CLASS, unknown to the penal code of Poland, proves that even the existing codes (of which mention is made in the 1st Article of the Statute) will be modified by the will of the Sovereign. (Art. 12.)*

The civil and military Polish Orders shall be maintained. (Art. 160.)

17.

*The Statute tacitly abrogates this provision, inasmuch as, before its publication, the Emperor Nicholas had declared them to be Russian Orders, destroying even in this respect all traces of nationality.*

18.

*Conclusion.* Believing in our conscience, that the present Constitutional Charter will answer our paternal purpose, which is to maintain amongst all classes of our Kingdom of Poland, peace, union, and concord, that are so necessary to their well being, and to secure the felicity which it is our desire to procure for them, we have given, and do hereby give this Constitutional Charter, which we adopt for ourselves and our successors, especially enjoining all public authorities to concur in its observance.

*The Statute abrogates this sacred obligation by the very circumstance of its publication. The Statute, from beginning to end, is but a long and cruel violation of the engagement which Alexander had contracted in consequence of the Treaty of Vienna.*

Given at our Royal Palace,  
at Warsaw, 15 (27) November, 1815.

(Signed) ALEXANDER.

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\* The following extract will show that the Emperor has violated this article of the constitution, not only by proclamations, but by positive acts of confiscation :—

“ WARSAW, Oct. 20, 1835.—By an ordinance of the 16th (4th) October, the Emperor Nicholas has apportioned a number of estates in the kingdom of Poland, the property of Polish patriots, among sixteen Russian generals, whose tenure of these lands will be as their hereditary property in perpetuity. The individuals thus endowed are bound to bear the same charges and obligations which are set on the rest of landed property in that country. The estates shall, however, on no account whatever be parcelled in portions by succession, or be charged with any new obligations, or mortgaged, or alienated in any way. The

The compact thus solemnly entered into was confirmed in a remarkable speech, addressed by the Emperor Alexander, on the 27th of March, 1818, to the first Diet convoked by him. A speech which claims peculiar attention, inasmuch as it proves that the "restoration" of Poland was, according to Alexander, guaranteed not only by the terms of the charter, but also by the Treaty of Vienna.

*"Your RESTORATION is decreed by solemn treaties; it is sanctioned by the constitutional charter. The inviolability of these exterior engagements, and of this fundamental law, secures henceforth to Poland an honourable rank among the nations of Europe—a privilege the more precious, as she has long sought it in vain, in the midst of the most severe trials\*."*

Again, the 'Emperor' Nicholas, on his accession to the throne on the 25th of December, 1825, addresses the Poles in the following terms:—

*"Poles! we have already declared that our unchangeable desire is, that our government should be but the continuation of that of the Emperor Alexander of glorious memory, and we consequently declare to you, that the institutions which he gave, shall remain unaltered. I THEREFORE PROMISE AND SWEAR, BEFORE GOD, THAT I WILL OBSERVE THE CONSTITUTION, AND THAT I WILL USE ALL MY EFFORTS TO MAINTAIN THE SAME!"*

It has been urged that these solemn obligations were cancelled by the "revolt," as it has been called, of the Poles; and that, having taken up arms against the Russian government, they forfeited all claim to the privileges conferred upon them by the Treaty of Vienna, and the constitution of 1815. There are, however, unerring proofs that the Constitution of Poland—the Tree of Polish liberty—was an exotic in the plains of Muscovy. It was intended for ornament, not for use. But even under the cold shade of Russian protection it shot forth strong and vigorous branches. Civil and religious liberty began to flourish—tyranny and violence to languish under its influence. *Then* was the axe remorselessly applied to its stem, and *then*, and not till then, did Poland once more appeal to arms. We pro-

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right of inheritance is confined to all legitimate descendants professing the religion of the Greek church: and in particular it shall always descend on the eldest child—on the sons in preference to the daughters. In default of a lineal heir, the inheritance is under the same conditions to descend on the nearest collateral branch of that family. In case of extinction, the estates shall return to the public treasury. This is likewise to take place in case no successor of that family of the Russian nobility and of the Russo-Greek church should remain alive. The endowed have to bear all the costs arising from the circumstance of the grant."

\* *Polonia*. MS. Papers of the Polish Association.

ced, therefore, with confidence, to inquire whether the resistance of the Poles cancelled the obligations of the Polish Constitution and of the Treaty of Vienna.

De Lolme, a monarchical writer, and one who ought, therefore, to have some weight with the Czar, in the 14th chapter of his book, on the English Constitution, under the title "*Right of Resistance*," says, "But all those privileges, considered in themselves, are but feeble defences against the real strength of those who govern. All those provisions, all those reciprocal rights, necessarily suppose that things remain in their legal settled course; what would then be the resource of the people, if ever the prince, suddenly freeing himself from all restraint, and throwing himself, as it were, out of the constitution, should no longer respect either the person or the property of the subject, and either should make no account of his convention with the parliament, or attempt to force it implicitly to his will? IT WOULD BE RESISTANCE." It is an historical fact, that this maxim has, with us, been carried into practical effect, and we insert the recorded form, in the earnest hope that before many years pass away, we shall see it successfully adopted by our Polish brethren.

"King James the Second, having endeavoured to subvert the constitution of the kingdom, by breaking the original compact between king and people, and having violated the fundamental laws and withdrawn himself, has abdicated the government, and the throne is thereby vacant."

Let it not be said that this is a principle peculiar to the English constitution. It is inherent in every form of government. In absolute states, the *right* of resistance is always present, and that resistance is justifiable, whenever the power of the people is sufficient to enable them to recover the liberty of which they have been robbed. In constitutional governments, it obtains when the constitution is invaded, and the monarch breaks "the original compact between king and people." Who, then, "rebelled" against the constitution of Poland? Was it the Polish people, who fought for their constitution, their nationality, and their laws? Or was it the Tartar King, who blotted out the provisions of their charter in the blood of his subjects—the perjured Czar, who, midst the yells of infidel Kierghies, and the applauding shouts of barbarian hordes, violated the

oaths sworn in a Christian Diet? These inquiries will be best answered by a perusal of the "Manifesto of the Polish nation to Europe," voted by the Diet of Poland, on the 20th December, 1830—a paper, which we believe has never been questioned, and which we are prepared to support by evidence. We submit it to the perusal of our readers, as an able statement of the wrongs which urged a gallant people to take up arms in defence of their dearest rights.

"MANIFESTO, &c. &c., VOTED BY BOTH CHAMBERS OF THE DIET OF THE KINGDOM OF POLAND, DECEMBER 20, 1830.

"WHEN a nation, free and powerful of old, is forced by an unbearable weight of misfortune to rise up in the exercise of one of the first rights of humanity—that of repelling oppression by force—it is a duty that it owes to its own character, and to the civilised world, to promulgate the motives that bears it forth in arms in support of the holy cause of national independence. The Diet at once acknowledged the necessity of such a proceeding, and in recognising the complete national character of the revolution of the 29th of November, they have resolved that the measure should be justified to the satisfaction of all Europe.

"It would be useless to dwell on the calumnies, the violence, the treason, the infernal machinations, that preceded or accompanied the various dismemberments of Poland. History has already stamped these acts with the infamy of the foulest political crimes. The solemn grief and indignation which they spread over a whole people have been cherished with the enthusiasm of religious fervour. That standard, without a stain, has never ceased to wave at the head of our valiant troops. In his military emigration, the Pole, who transported into foreign lands his native household gods, called down vengeance on the violence so long inflicted on them, and consoled himself with this noble feeling (which, like every other deep and heartfelt emotion, was not a mere illusion), that, in supporting the cause of freedom, he was fighting the battles of his own country.

"And it existed again, this country of his adoration! Though bound within too narrow limits, Poland still owed to the hero of the age, its language, its laws, and liberty; precious gifts in themselves, but immeasurably enhanced in value, by the hope they kindled, of a still loftier destiny. From that hour his cause became that of our entire nation—our youth and blood were put, without restraint at his disposition—and when his allies, and even Heaven itself, seemed to abandon him to his fate, the Pole, unshaken in his fidelity, partook of all his reverses. The common misfortune that involved in one fall a great man and an unfortunate people, drew forth involuntary marks of admiration from their very conquerors.

"These sentiments had produced too powerful an impression, and the sovereigns of Europe had too solemnly pledged themselves to establish a solid and durable peace, not to render it necessary, *on entering again upon a partition of our country*, that the Congress of Vienna should yield something to soften the effect of this fresh outrage.

"A nationality of existence and a reciprocal freedom of trade were guaranteed to the *whole* of ancient Poland; and that part found in independence on the result of the European struggle, though again diminished on three several points, had the title of kingdom conferred upon it, under the immediate protection of

the Emperor Alexander, with the expressed sanction of a charter, and a reserved provision for subsequent extension. In fulfilling the promises of this treaty, a liberal constitution was conferred on the kingdom; and the Poles, under the domination of Russia, enjoyed the flattering prospect of being once more joined in social compact with their brethren. Such concessions, however, were not gratuitous. The Emperor stood bound to us by previous obligations. On our part, many were the sacrifices that we had made. The splendid promises lavished on the Poles of the Russian dominion, both before and during the late eventful struggle, and the suspicions excited, as to the intentions of Napoleon, prevented many from joining in his cause. On proclaiming himself King of Poland, the Emperor Alexander did but discharge his obligations with fidelity. The nationality of our franchises and institutions, which might have been made the consolidating links of the general peace of Europe, were dealt out to us at the bitter price of our independence, that first condition of the political existence of nations. Was it possible that a peace, based on the subjection of 16,000,000 of men, could be durable? As if the history of the world did not teach us that, even after the lapse of ages, oppressed nations recover that national freedom, which the Supreme Disposer of events has assigned them, in marking them out from the people of other countries, by all the distinctions of habit, customs, and language. And is it not remarkable, that this great truth should have passed unheeded by the governments of Europe—that *tyranny makes every man the natural ally of those disposed to aid him against his oppressors?*

“But these conditions so arbitrarily imposed, have not been fulfilled. The Polish people soon discovered that this national integrity, that this title of Poland, given to the new kingdom by the Emperor of Russia, were nothing more than lures thrown out to attract our countrymen, subjects of other States, and to be used as weapons of offence against those States themselves, while they were destined to prove but empty chimeras to those in whose favour they had been solemnly guaranteed. It soon became manifest, that, even under such solemn covenants, there lurked the secret intention of reducing the nation to servile dependence, and of inflicting upon it all that weight of misfortune, ever resulting from the pressure of despotism, and the loss of the moral dignity of man. The measures taken against our army, first unveiled the whole mystery of the plan. *The most disgraceful punishments, persecutions which knew no bounds, every description of outrage, were pursued by the commander-in-chief, under the pretext of maintaining discipline, but with the covert object of destroying that high principle of honour and national spirit which characterise our troops.* The slightest faults, the mere suspicion of neglect, were held to be crimes against military discipline; and, by the arbitrary influence exercised by the commander-in-chief over the awards of courts-martial, not the life only, but the honour, of every soldier was at his absolute command. How often did our country with indignation behold the decrees of these tribunals reversed, until they reached what might be considered the requisite degree of severity! Many at once retired; others, who had been subjected to the degradation of personal insult from the commander-in-chief, washed the stain from their characters, by the voluntary sacrifice of life, thereby demonstrating, that not a defect of courage, but the fear of prematurely compromising the prospects of the country, had arrested their avenging arm.

“In the first Diet, the solemn renewal of that pledge to extend to our brethren the benefits of the constitution, for a moment raised our expiring hopes, and was the cause of that forbearance on the part of the Chambers, to produce which the promise had alone been made. The liberty of the press and the publicity of

our debates were tolerated, only so long as they could be made channels to convey the echoes of gratitude, offered by a subdued people, to the honour of their mighty conqueror. *But no sooner had the Diet closed, and the journals proceeded to examine and discuss the state of public affairs, than the most searching censorship was established.* In the succeeding Diet, which attempted only to follow up the line of duty marked out to it by its predecessor, the representatives of the nation were persecuted for the opinions therein delivered. The constitutional States of Europe will learn with astonishment many circumstances so carefully concealed from their view. On the one hand, they will not fail to perceive the wise and moderate use which the Poles made of their freedom, the love borne by them towards their sovereign, and the respect manifested in all their proceedings to his religion, his manners, and customs; on the other can be found nothing but the baseness of the constituted authority, which, not satisfied with depriving them of their just rights, did not scruple to impute that act of violation to the unbridled licentiousness of an unfortunate people.

"The union, upon the same head, of the diadem of an autocrat and the crown of a constitutional king, displayed one of those monstrous political anomalies which can never long prevail. On all points it was evident that the existence of the kingdom of Poland must either be the source of liberal institutions to Russia, or that it must speedily fall a prey to the iron grasp of the despot. This question was not long doubtful. For a moment, the Emperor Alexander appears to have entertained the expectation of being able to unite the despotism of his Muscovite dominions to the popular influence of our liberal institutions, and thereby to exercise a new power upon the destinies of Europe. But he soon perceived that liberty could never be so lost in degradation as to become the blind instrument of despotism; and from that moment he commenced his system of persecution. Russia lost every hope of having the weight of an oppressive yoke lightened by the hands of its sovereign, and Poland found itself doomed to be despoiled in succession of all its remaining privileges. This design was put into execution without delay. *Corruption undermined all the sources of public instruction. Darkness was thrown over the land, and every means of education withdrawn from the people. An entire Palatinate was made to forfeit its representation in the Senate. The budget was no longer allowed to be a matter of discussion. Heavy taxes were imposed, and monopolies created, to exhaust every channel of the nation's wealth; and the treasury, replenished by such foul means, became the common property of an organised tribe of the vilest spies and the most infamous political agents.* Thus, in the place of that wise economy which the nation had so loudly demanded, the pay of the constituted authorities was augmented in the most scandalous manner, and useless employments, without end, were created with the sole object of augmenting the number of the satraps of government.

"*A system of persecuting calumny and espionage penetrated into the bosoms of private families, and infected with its venom the liberty of domestic intercourse. Even the famed hospitality of our country became a snare to involve the innocent. Personal liberty, so solemnly guaranteed, was violated. The prisons were thronged. Courts-martial were formed, to assume the functions of civil tribunals; and they subjected, by their decrees, to the most degrading punishments, men whose only fault was an ardent desire to rescue from the trammels of corruption the honour and the character of our country.* In vain was it that many of the constituted authorities, joined by the Representatives of the people, submitted to our king the frightful picture of the enormities com-

mitted in his name. Not only these abuses were not redressed, but the responsibility of the ministers and of their subordinate authorities was paralysed by the direct interference of the brother of the Emperor, in virtue of the discretionary power vested in him. This monstrous stretch of authority, the fertile source of every abuse which can wound the feelings and dignity of mankind, now unshackled by responsibility, became so insensate in its action, as to overwhelm them with outrage, citizens of every order and condition, subjecting them publicly to the most degrading punishments—such as are alone reserved for the lowest scale of crime. Providence, in allowing the action of such an intensity of evil, must have destined this excessive abuse of power to become the instrument of our political regeneration.

“ After such indignities—after open violence done to rights pledged to us with all the solemnity of an oath—violence, which could never have been attempted with impunity by the government of any civilised country—are we not justified in resisting what brutal force had imposed? *Does there exist a man who would still hold the nation's faith to be bound to those constituted powers that had borne us down under the yoke of slavery?* In resuming our rights, and bursting our chains asunder, are we not called upon to forge them into arms, and to turn them on our oppressors? This minute statement of our misfortunes may seem uncalled-for, but truth will not sanction its omission.

“ Our ancient provinces incorporated in the Russian empire were not, in pursuance of the stipulations of the treaty of Vienna, re-united to our kingdom; neither were they admitted to the benefit of liberal institutions. On the contrary, those ardent national aspirations, excited in our brethren by the most encouraging promises, and by hope long deferred, were turned upon them as charges of treason against the State; and the King of Poland persecuted, in the ancient districts of the kingdom, the men who had dared to assume the honoured name of Poles. *But the especial object of this treatment was our youth in progress of education. Children were torn from the bosom of their families. The actions of our most noble houses were transported into Siberia, or were compelled to enter the ranks of the debased soldiery of Russia. The Polish language was suppressed as well in the general acts of administration as in the public instruction. A decree at one blow annihilated our tribunals and the ancient civil law of the land. The outrages of the government reduced some of our first land owners to misery and want, and from the moment of Nicholas's accession to the throne this state of things continued to grow worse. Intolerance put in action every engine to extirpate the united Greek and Latin church, and to subjugate completely the Catholic religion.*

“ In our kingdom, though not one of the privileges guaranteed by the constitution was held sacred, those franchises in fact suppressed were not the less existent in right. It was this existence *de jure* that it now became their policy to undermine. An additional article to the constitution in consequence appeared, which, under the specious pretence of more effectually securing the charter, destroyed one of its most important functions: it denied to the Diet the publicity of its debates, and thus robbed it of the support of public opinion. In this way the principle was established, that it belonged to the will of the sovereign to modify the fundamental compact of our liberties; and as one article had been abolished, so the entire charter might be abrogated. Under such auspices the Diet of 1823 was convoked, and by every method it was attempted to prevent the elections of the most undaunted supporters of our liberty. A nuncio was by main force carried off, delivered over to the police, retained five years in prison, and liberated only by the late change of events. Deprived of its natural support,



held in secret, and threatened with the utter destruction of the charter, this Diet, like its predecessor of 1818, was seduced by the promises of a reunion with us of our ancient provinces. Again were they suffered to remain unaccomplished, and all petitions for the recovery of our liberties were repelled. \* \* \*

"The indignation of every man of worth, and the exasperated feeling of the whole nation, were gathering into a storm, and beginning to display symptoms of its approach, when the death of Alexander, and the oath made by Nicholas to maintain the constitution on his accession to the throne, gave us the hope that abuses would cease, and that our liberties would be restored. These expectations were soon doomed to disappointment. Not only did things remain in their former state, but even the revolution which had burst out in St. Petersburg was made a pretext for imprisoning, and bringing to trial, some of the most distinguished members of the Senate, of the Chamber of Nuncios, and of the army. As it were in a moment, the prisons of the capital were thronged; every day, new edifices converted to that use were crowded with victims, transported from every corner of ancient Poland, from those parts even subjected to foreign States. \* \* \* *On the native soil of Liberty, systems of torture were introduced that would make humanity shudder; and death—nay, self-destruction—was daily diminishing the number of victims, forgotten frequently in their damp and narrow dungeons.* \* \* \* *In defiance of every law, an inquisitorial committee, composed principally of military men, was formed, which, by a lengthened application of torture, by promises of pardon, by insidious questioning, made the most urgent attempts to extract the avowal of an imaginary crime.* After the delay of a year and a half, the great national court was at length established; for since, in opposition to all law, arbitrary imprisonment had been so long insisted upon, that numberless victims were sacrificed, it became necessary that these measures should receive something of a legal sanction. The magnanimity of the Senate, however, frustrated this measure, by declaring, almost with unanimity, that the accused were innocent of the crime of treason. This decree involved in one fate both the prisoners and their judges. *The one party, instead of being set at liberty when the sentence had declared their innocence, were transported to St. Petersburg, and left to pine away their existence in the dungeons of fortified places, nor have they yet been all restored to their families; the other were held in bondage for one whole year at Warsaw, purely because they had shown themselves honourable and independent judges.* The publication and execution of the sentence had been decreed, and submitted to the examination of the administering authorities; and it was only when at last, with the view of retaining some respect in the eyes of Europe, it was found necessary to make it public, that a minister had the audacity to offer such an insult to the majesty of our country, as to reprimand, in the name of the sovereign, the highest magistracy of the land for the unbiassed exercise of their functions.

"After such acts, the Emperor Nicholas resolved to be crowned king of Poland. The representatives of the people were convoked, and became the silent witnesses of that ceremony, and of those oaths, again so soon to be violated. No abuse was suppressed; the discretionary power, unshackled by responsibility, was left untouched. On the very day of the coronation, the senate was filled with new members, not possessed even of the qualifications required by the constitution, the sole guarantee of the independence of their votes. An illegal loan and the alienation of the national domains were determined upon; and thus was placed at the disposition of the government the immense landed property of the state. But Providence happily enacted that considerable sums, proceeding from the

partial execution of this plan, should be caught up from the general dilapidation of the country, to serve as the foundation for the armament of a whole people.

“ That last consoling hope, which under the reign of Alexander had enabled the Pole to bear up against every calamity—his ardent desire to see his brethren united to him—vanished for ever after the accession of Nicholas. From that period, every link of connexion has been broken; but the holy fire, so long forbidden to be kindled on the altars of our country, was smouldering in silent strength in the heart of every man of worth. One common thought pervaded all—that such a system of slavery could no longer be tolerated. The moment of the explosion was, however, hastened on by the constituted authorities themselves. Report after report had been circulated, that a crusade was to be undertaken against the rising civilisation of the age; and at last orders were given to put the Polish army on the complete war establishment. A large body of Russian troops were destined to supply the place of our forces, on an advance being made; and the very considerable sums, arising from the loan, and the alienation of the national domains, then in deposit in the bank, were assigned to cover the expense of this unholy attack on the liberties of other nations. The system of arresting important individuals had again commenced; every moment was in the highest degree precious; all was at stake—our army—our treasure—every resource of the country—even the national honour, which spurned the notion of carrying to another people the chains held in immeasurable detestation by ourselves, or of fighting against the cause of liberty, supported by our former companions in arms. Such was the universal sentiment, when the very life-blood of our nation, the centre of all enthusiasm—the intrepid youth of the military schools and of the university, in conjunction with a large portion of the garrison of Warsaw, resolved to give the signal of a general rising. As if acted upon by an electric spark, the army, the capital, the entire country, burst forth at the same moment. On the night of the 29th of November, the holy fire of freedom illuminated our whole horizon. It required but one day to deliver the capital. In a few more, every division of the army was united in one common feeling. The fortified places were in our possession; the nation was in arms; and the brother of the Emperor, and the Russian troops, confident in the generosity of the Poles, owed their safety to the faith thus reposed in us. Here, then, are the heroic acts of that revolution, pure, and without stain, as the enthusiasm of the youth in which it had its origin!

“ The Polish people rise again from ignominy and degradation. They firmly resolve never to bend more to the yoke now thrown off, and never to lay down the arms of their ancestors until they have conquered their independence and their power—the only guarantees for their liberty; nor till they have insured to themselves the enjoyment of that freedom that they demand, under the double right of the noble inheritance of their fathers and of the most pressing necessity of the times; till, in fact, they have delivered their brethren from the yoke of Russian domination, and made them partakers in their liberty and their independence.

“ We have been influenced by no national hatred against the Russians, whose race and our own have a common origin. There was a time, when we consoled ourselves for the loss of our independence in the reflection, that though an union under the same sceptre might be injurious to our particular interests, it would be the means of extending to a population of forty millions, the enjoyment of

free institutions, now become throughout the civilised world objects of primary necessity for the well-being both of kings and people.

"So far from our ancient liberty and independence having been prejudicial to our immediate neighbours, we are thoroughly convinced, that in all ages they have served as a balance and safeguard to Europe, and will, in that light, be now of higher import and utility than ever. Thus circumstanced, we appear at the tribunal of sovereigns and of nations in the full conviction, that the voice both of policy and of humanity will be heard in our favour.

"Should it still happen, that in this conflict, of which the dangers and difficulties cannot be concealed, we are doomed alone to support the general interests of civilisation, confident in the goodness of our cause, in our own valour, and in the never-failing aid of the Almighty, we shall fight for freedom to our dying breath. And if it should then appear that Providence has destined this land to eternal slavery—if, moreover, the liberty of Poland must be buried under the ruins of our towns and the bodies of our defenders,—the enemy will only rule over a desert, and every good Pole may cheer his dying moments with this consolatory reflection, *that if it has not been permitted to him by Heaven to save his country, he has at least in this death-struggle, by his heroic devotion, shielded for a time the nascent liberties of Europe.*"

We are, we repeat, prepared to support the statements contained in this manifesto by evidence. We contend, therefore:—

*First*,—That the constitutional charter was a solemn national compact entered into between the Emperor Alexander (for himself and his successors) and the Polish people inhabiting the Duchy of Warsaw.

*Secondly*,—That this compact was repeatedly violated by the Emperors Alexander and Nicholas.

*Thirdly*,—That the Emperors Alexander and Nicholas, by "violating the compact between king and people," REBELLED against the laws and constitution of the Duchy of Warsaw, and that the throne of Russian Poland thereupon became, and is now, VACANT.

Let us now inquire how far Russia has fulfilled the stipulations of the Treaty of Vienna. It is never to be forgotten that Lord Castlereagh, at the Congress of Vienna, demanded the restoration of Poland. He urged "that it was England's wish to see some independent power (whether more or less in extent) established in Poland, *under a distinct dynasty of its own*, and as a separation between the three great empires of Europe."

The Emperor of Austria declared at the same time that he was prepared to sacrifice some of his own possessions for the

sake of the entire re-establishment of Poland as an independent kingdom.

The opinions of France were equally clear. Prince Talleyrand, in a note to Prince Metternich, dated 19th December, 1814, expressed himself thus:—"Of all the questions to be discussed at this congress, the king would undoubtedly consider the affair of Poland as incomparably the most important to the interests of Europe, if there be any chance that this nation, so worthy of regard by its antiquity, its valour, its misfortunes, and the services it has formerly rendered to Europe, might be restored to complete independence. *The partition which destroyed its existence as a nation was the prelude to—in some measure the cause of perhaps—even to a certain degree an apology for—the subsequent commotions to which Europe was exposed\*.*"

The Emperor of Russia opposed the restoration of Poland under a separate dynasty, and claimed the Duchy of Warsaw as an integral part of the Russian empire. His troops were in possession of the country, and it was impossible to insist on a complete restoration. Lord Castlereagh then proposed that the Duchy of Warsaw should be divided between Russia, Austria, and Prussia, according to the second article of the treaty of Reichenbach. Austria also, seeing the necessity of yielding as to the complete restoration of Poland, demanded the execution of the same treaty.

It had been the artful policy of the Russian government, from the year 1812, to promise the Poles a distinct national existence, although dependent upon Russia. By these promises, and by misrepresenting the real intentions of the allied powers, the Emperor Alexander now contrived to secure the support of the inhabitants of Russian Poland—who had not yet learnt to distrust him—in his designs on the Duchy of Warsaw. "Prince Talleyrand," says M. De Flassean, a Frenchman, who was present at the congress of Vienna, "was authorised by his instructors, to grant to the Russian court only so much of the Duchy of Warsaw as was within the Vistula; leaving the rest to the Prussians, which would have proportionably diminished the requisite Saxon conces-

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\* *Polish Miscellany.* MS. Papers of the Polish Association,

"sions. But Russia, trusting to her strength, and to the support of the Poles, who were won by the hope of being again a nation, would not concede the point." By such tortuous policy—by such deep and subtle schemes, has Russia, on more than one occasion, turned to her own purposes the generous and noble qualities of a people, whose national destruction she has steadily pursued !

The English minister, unable to obtain the complete restoration of the Polish nation, determined to enter a solemn protest in its favour, at the same time that he made known to the other powers, his principal reason for acquiescing in the Russian demands.

In a note to the Committee for Polish and Saxon affairs (January 12), Lord Castlereagh says,—

"That, without retracting his former representations with regard to Poland, he should content himself with wishing that none of those interruptions to the tranquillity of the North, or to the balance of power in Europe, which he considered it his imperative duty to prevent, might result from the measure proposed by Russia, with respect to that country; and that, in order to obviate as much as possible any such consequences, it was extremely important that public tranquillity in the territory that was formerly Poland, should rest upon the foundation of common interests, and that such a system of administration should be adopted in the different districts, as might be agreeable to the inhabitants, however they might vary in their political institutions. 'Experience has shown,' added the English plenipotentiary, 'that the happiness of Poland, and the tranquillity of this important portion of Europe, cannot be secured by thwarting the national customs and habits. An attempt of this kind would only excite amongst the Poles, a spirit of disaffection and degradation; it would occasion revolts, and awaken the remembrance of past misfortunes.' Upon this principle Lord Castlereagh earnestly requested the sovereigns upon whom the fate of Poland depended, not to leave Vienna till they had pledged themselves that the Poles, in their respective dominions, under whatever form of government they might think proper to place them, should still be treated as Poles. 'The knowledge that such a resolution has been taken,' said the same Minister, 'will do more towards conciliating your Polish subjects to your government, and rendering their sovereign popular in their eyes, than anything else; it is thus that the Poles will become peaceful and contented, and this object, which H. R. H. the Prince Regent has particularly at heart, being secured, the happiness of the Polish nation is also secured; H. R. H. would then no longer have to fear that any danger to the liberty of Europe should result from the union of Poland with the Russian empire, already so powerful—a danger which would not be imaginary, if the military force of the two countries should ever be united under the command of an ambitious and warlike monarch.'"

To this communication the Russian plenipotentiary, Count Rasoumofski, replied, on the 19th of January, 1814,—

"That the just and liberal principles which it contained, were received by his Imperial Majesty, with the most cordial approbation, and that he

had been delighted to recognise the generous sentiments which characterise the British nation, and the enlarged and enlightened views of its government. That their conformity with his own wishes, and more especially the resemblance of the plan, which his Britannic Majesty's plenipotentiary had traced in this document, to his own political maxims, as applied to the present negotiation, had appeared to him to be very favourable to the conciliatory measures which he had proposed to his allies, with the sole end of ameliorating the condition of the Poles, as far as the desire of protecting their nationality is compatible with the maintenance of a due balance among the Powers of Europe, which ought to be secured by a new division: and that to these considerations should be added others not less important, demonstrating the impracticability of reviving the previous combinations of the former political system of Europe, of which Poland in its independent state formed a part.

"That His Imperial Majesty, for these reasons, had confined his solicitude, on behalf of the Polish nation, to the single object of procuring for those Poles who were subjects of the contracting princes, such privileges as might satisfy their reasonable expectations, and assure to them all the advantages compatible with the respective relations of each of those kingdoms; that this spirit of moderation had regulated all the proposals he had deemed it fitting to make to his illustrious allies on the subject; that by favouring, and supporting with amicable co-operation, all measures tending to the amelioration of the condition of the Poles, and consequently to cement their attachment to the different governments under which they were placed, the Emperor thought that he had fully proved the rectitude and purity of his intentions. *His Imperial Majesty being of opinion that the submission of the Poles to their respective sovereigns and governments, in return for an equitable consideration of their dearest rights, was the only guarantee of the permanent relations which it was important to establish amongst the Three Powers, for the mutual security of their possessions and for the peace of Europe.*

"The ambition of a legitimate Prince can have no tendency but to promote the happiness of the people, whom Providence has entrusted to him, and who can only prosper under the Ægis of perfect security, in a calm but not menacing attitude. *No power can more effectually guarantee the universal repose of Europe, and the pacific feelings of its kingdoms towards one another, than that principle of cohesion which arises from the attachment of a people for their native land, and from their consciousness of well-being. That such were the bonds by which his Imperial Highness hoped to attach to his empire the Poles who should be placed under his government. That it was his ardent desire to behold the realisation of the same felicitous result in the states of those of his allies, whose enlightened views and generous intentions he appreciated, and consequently, that his Imperial Highness delighted to believe that the conciliatory system, adapted to the circumstances which had been pointed out in the present negotiation, would be sufficient to banish all anxiety, and to dissipate the slightest pretence for it, which might have been given by the union of a part of the Polish nation.*"

Prince Hardenburg declared, on the 30th of January,—

"That the principles laid down by Lord Castlereagh, as to the method of governing the Polish provinces, were in perfect conformity with the sentiments of His Prussian Majesty on the subject: that he entirely agreed in opinion with His Majesty the Emperor of Russia, and with the Prince Regent of England; and that

he should endeavour to procure to his Polish subjects all those advantages which they could reasonably desire, and which were compatible with the interests of his kingdom, and with the prime object of every government, to resolve the different parts of which the state may be composed, into a united whole."

The Emperor of Austria also gave in, by his plenipotentiary, on the 21st of February, a declaration, which was deposited amongst the deeds of the Congress of the five powers.

"The conduct of the Austrian emperor," said his plenipotentiaries, in the important negotiations which had just determined the fate of the duchy of Warsaw, "can have left no doubt in the mind of the allied powers, that the re-establishment of Poland as an independent State, with a national administration of its own, would have fully accomplished the wishes of His Imperial Majesty; and that he would even have been willing to make the greatest sacrifice to promote the restoration of that ancient and beneficial arrangement. This fact must be sufficient to show that the emperor is very far from entertaining any jealousy or anxiety as to the interference of the Polish nation with this empire. Austria has never considered free and independent Poland as an inimical or rival power, and the principles upon which his illustrious predecessors acted, and which guided his Imperial Majesty himself until the partition in 1773 and 1797, were abandoned only under the pressure of circumstances which the sovereigns of Austria had it not in their power to control.

"Anxious from that time to fulfil the new engagements which he had contracted, and bound to the system of partition by express stipulations, the Emperor had not deviated from the principles adopted by the three courts.

"His Imperial Majesty, not being able to regulate his government by an order of things, which was then done away with, contented himself with watching over the happiness of his Polish subjects. The high cultivation and prosperity of Galicia in its present state, as compared with what it was before its union with Austria, and before the reign of the Emperor, showed that his care had not been inefficient.

"The Emperor having again, in the course of the present negotiation, sacrificed his wishes as to the restoration of Poland, to the important considerations which have induced the other powers to sanction the union of the larger part of the Duchy of Warsaw with the Russian empire, his Imperial Majesty concurs, nevertheless, with the Emperor Alexander, in his liberal views, and approves of the national institutions which it is the intention of that Monarch to grant to the Polish nation.

"His Majesty the Emperor of Austria, on his side, will not cease to watch over the welfare of his Polish subjects, with that paternal care and impartial justice, which he distributes alike amongst the different classes of subjects which Providence has subjected to his sway.

"Russia has declared, that the best security for the repose and the vigour of nations, consists in the happiness of the people, and that this happiness is inseparable from the righteous care of the rulers over the nationality and customs of their subjects. The Emperor is of opinion that he cannot better express the conformity of his own intentions in the present instance, with the maxim laid down, than by directing his plenipotentiaries to declare that he entirely agrees with the sentiments expressed by Lord Castlereagh in his memorial of the wishes of his

*Court, as to the future lot of the Poles, and with the reply made on the 19th of January last, by order of the Emperor of Russia, to that declaration."*

It was after these repeated and solemn discussions, that the Treaty of Vienna was subscribed, and the "Duchy of Warsaw" became bound by its constitution to Russia." A treaty, the engagements of which more particularly affect the honour and interests of England, as she was the first to insist on the stipulations respecting Poland. How have these engagements been fulfilled? Let the touching appeal of the Polish Diet answer—And should a perusal of that document leave a doubt on the mind of the reader, the following speech of the Emperor Nicholas to the municipality of Warsaw, will remove all ground for scepticism. It should be premised that the municipal deputation to which it was addressed reluctantly waited, in the month of October last, on the Czar, to present—within range of the cannon of the citadel, and surrounded by the bayonets of his guards—the cold and common-place declarations which his visitation rendered unavoidable.

SPEECH OF THE EMPEROR NICHOLAS TO THE MUNICIPAL BODY AT WARSAW.

GENTLEMEN,

I know that you have wished to address me, and am acquainted with the contents of your intended address; *but, to spare you from delivering falsehood, I desire that it may not be pronounced.* Yes, Gentlemen, it is to save you from falsehood; for I know that your sentiments are not such as you wish to make me believe them to be. How can I put faith in them, when you held the same language to me on the eve of the revolution? Are you not the same persons who talked to me five and eight years ago of fidelity and devotedness, and made me the finest protestations of attachment, and yet, in a very few days after, you violated your oaths, and committed the most violent actions? The Emperor Alexander, who did more for you than an Emperor of Russia ought to have done, who heaped benefits upon you, who favoured you more than his own subjects, and who rendered your nation the most flourishing and happy—the Emperor Alexander was treated with the blackest ingratitude. You never could make yourselves contented with your most advantageous position, and in the end became the destroyers of your own happiness. I thus tell you the truth, in order to throw a true light upon our relative positions, and that you may know upon what you have to depend, for I am now seeing and speaking to you for the first time since the disturbances. Gentlemen, we require actions, and not mere words; repentance should come from the heart. *I speak to you without anger, and you must perceive that I am perfectly calm\**; I have no rancour, and I will do you good even in spite of yourselves. The Marshal who stands

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\* So far from being "calm," the autocrat was violently excited.



before you, fulfils my intentions, seconds all my views, and also watches for your welfare. (At these words the members of the deputation bowed to the Marshal.) Well, Gentlemen, but what signifies these salutations? The first duty is to perform one's duties, and conduct ourselves like honest men. You have, Gentlemen, to choose between two alternatives—either to persist in your illusions as to an independent kingdom of Poland, or to live tranquilly as faithful subjects under my government. *If you persist in your dreams of a distinct nationality, of the independence of Poland, and of all these chimeras, you will only draw down upon yourselves still greater misfortunes. I have raised this citadel, and I declare, that on the slightest insurrection I will cause its cannon to thunder upon the city. WARSAW SHALL BE DESTROYED, AND CERTAINLY SHALL NEVER BE REBUILT IN MY TIME.* It is painful to me to speak thus to you—it is always painful to a sovereign to treat his subjects thus, but I do it for your own good. It is for you, Gentlemen, to deserve an oblivion of the past; it is only by your obedience to my government that you can obtain this. *I know that there is a correspondence with abroad, and that mischievous writings are sent here for the purpose of perverting the minds of the people. The best police in the world, with such a frontier as your's, cannot prevent clandestine relations\*.* It is for you to exercise your own police, and keep the evil away. It is by bringing up your children properly, by instilling into them the principles of religion and fidelity to their sovereign, that you can keep in the right path. Among all the disturbances which agitate Europe, and all those doctrines which shake the social edifice, Russia alone has remained strong and intact. Believe me, Gentlemen, that it is a real blessing to belong to this country, and enjoy its protection. If you conduct yourselves well—if you perform all your duties, my paternal solicitude will be extended over you, and, notwithstanding what has passed, my government will always watch over your welfare. Remember well all that I have now said to you†.

The author, or compiler, of "The Portfolio," one of the works we have placed at the head of this article gives, in addition to the speech, as we have inserted it, the following "suppressed" passage:—

"On the whole, I am satisfied that things have arrived at that point at which I AM ONLY EMPEROR OF RUSSIA; it is in that character you belong to me."

He then remarks:—

"The declaration of the Emperor, that the nationality of Poland is extinct, opens at once our eyes to the no less happy diplomatic than practical position

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\* It gives us unqualified satisfaction to have the Czar Nicholas's authority for this fact.—ED.

† A semi-official article has lately appeared in the German papers, the object of which is to accuse M. Durand, the French consul at Warsaw, with having transmitted a copy of the autocrat's speech to the *Journal des Débats*. He is called upon to declare whether the accusation is true, inasmuch as *others must be answerable for his guilt* if he remain silent. The above is a translation of the copy referred to in the German papers; but we direct the attention of our readers to the Polish version, which, though substantially the same, is accompanied by many interesting details.

which Russia has taken up. The revelation of Russia's *view* of the question necessitates an explanation—and as that view is not communicated to the allies of Russia in the form of a friendly note, but declared directly, and from authority, to the parties interested—discussion is put by. *It brings them at once to a decision.* Two courses are open to them—coercion applied to Russia—or submission to the fact, which is abrogation of the right. We are clearly not prepared to coerce the emperor into a retraction, and to proceed, as then, of necessity, to the re-edification of the Polish kingdom—we must therefore admit, and by our silence the admission is made, of the abstraction of Polish interests from the international questions of Europe. Whatever event may henceforward occur in Poland, can be regarded only in the light of a domestic accident, in which foreign interference is inadmissible, and with regard to which the inquiries of foreign powers would be impertinent.”

These are the observations of no superficial observer of Russian policy, and Russian design; but, in one respect, they are, we conceive, erroneous. “Two courses are open to us,” says this writer, “Coercion applied to Russia—or submission to the fact, which is abrogation of the right.” To this proposition we cannot assent. The time may not have arrived for “coercion;” but there is another alternative, besides “submission to the fact.”

“Les traités (says Vattel) contiennent des promesses parfaites et réciproques. Si l'un des Alliés manque à ses engagements, l'autre peut le contraindre à les remplir : c'est le droit que donne une promesse parfaite. Mais s'il n'a d'autre voie que celle des armes pour contraindre un Allié à garder sa parole, il lui est quelque-fois plus expédient de se dégager aussi de ses promesses, de rompre le traité; et il est indubitablement en droit de le faire, n'ayant rien promis que sous la condition que son Allié accomplirait de son côté toutes les choses auxquelles il s'est obligé\*.”

During the late Polish contest, the first of these courses was open to us. We might, by the presence of our pennants in the Baltic, or by the fire of our line-of-battle ships against the rising works of Sevastopol, have insisted on the performance of the Treaty of Vienna. We shrunk from this policy, unwisely as we think, for the interests of England, and fatally, we believe, for the permanent peace of Europe. The time, therefore, is past for obtaining, by “coercion,” a strict performance of the Treaty of Vienna. But the other alternative is open to us. In the words of Vattel—“Rompre le traité,” is undoubtedly our right. We have promised nothing, except upon the condition that Russia should fulfil the engagements she entered into with us. *Away then with the Treaty of Vienna!*—The Emperor Nicholas has declared, not only by

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\* *Droit des Gens.* Liv. II. chap. XV.

his actions, but by a positive and official statement, that he is satisfied "that things have arrived at that point at which he "is only Emperor of Russia." Let England declare that "things have arrived at that point" at which he has ceased to have any title to rule the people of Russian Poland. Let our government pronounce, that his flagrant violations of international engagements have placed the question of Polish independence on the ground it occupied before the outraged Treaty of Vienna was signed and sealed: and that we now, therefore, acknowledge the right—never absolutely abandoned by Lord Castlereagh—of the Polish people, to a separate and independent national existence. If it be urged, that this would amount to a declaration of war, we answer, that the speech of the Emperor Nicholas, at Warsaw, was in the same sense a declaration of war, not only against England, but against France, and every other power that is a party to the Treaty of Vienna. The course we suggest too, would have this advantage, that while it stops short of an actual declaration of hostilities, it will prevent that "submission to the "fact" of Russia's encroachments, so acutely pointed out by the author of "The Portfolio," as a consequence of our silence.

We cannot persuade ourselves that England is sunk so low in the scale of nations—that the representatives of the people of England are so dead to the honour and interests of their country—so insensible to the claims of European freedom, as to allow the approaching session of parliament to pass away without extorting, if necessary, from the minister, a specific statement of the policy intended to be pursued on this momentous question. The voice of the country has been loudly proclaimed. The splendid meetings of the people—of all ranks and stations—that have greeted the Polish patriot Prince Czartoryski on his late tour through the north of England and Scotland—the indignant and almost unanimous denunciations of the public press—prove that the nation is aroused—that it no longer considers the cause of Poland as one having a vague and indefinite relation to the interests of England and the peace of Europe, but as a question intimately bound up with the great struggle which is going on between constitutional freedom and irresponsible power—as a question,

the solution of which may determine whether European civilisation shall advance in a course of peaceful and steady progression, or whether its onward march shall be arrested by the jealousy of a despotic government, and its path be crossed with blood.

The savage declarations of the Czar have been received with a hoarse murmur, which has borne into the recesses of his court the deep indignation he has excited in civilised Europe. Should those feelings, acting upon the constitutional governments of the West, produce a hostile collision, we believe the contest would terminate in a war of a few months, and that long before that short period elapsed, the Autocrat would be girdled by a belt of insurrectionary nations, from Poland to his Persian frontiers. Whether this collision will take place immediately or not may be doubted, but that the crisis is approaching, will not be questioned by any one who has observed the march of events. When it shall arrive, let it not find us asleep at our posts. Let us prepare for the coming struggle. In the words of a distinguished Polish officer, let our rallying word henceforth be, "*the union of civilised communities against the barbarous Muscovite*.\*"

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#### ARTICLE IV.

*History of the Cotton Manufacture in Great Britain; with a Notice of its early History in the East, and in all the quarters of the Globe; a Description of the great Mechanical Inventions which have caused its unexampled extension in Britain; and a View of the present State of the Manufacture, and the Condition of the Classes engaged in its several Departments.*  
By EDWARD BAINES, Jun., Esq. London: 1835.

It is no new thing that countries should rise, by means of trade and manufactures, into great wealth and power; and thus acquire an ascendancy in the world, which the small extent of their territory and their natural disadvantages might

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\* Speech of General Soltyk at the Polish Meeting in Paris, on the 29th November, 1835.

have seemed wholly to forbid. Civil and commercial freedom has furnished a genial soil for industry, even amidst bogs and lagunes, on rocky islands, and among the sands of the desert. Splendid fabrics of prosperity have been built upon narrow foundations; and their durability, no less than their magnificence, has excited the astonishment of mankind.

The commercial aggrandizement of England, has however, surpassed all precedent. Great as was the traffic of the Low Countries, and of the Italian republics, by sea and land, it was still on a scale far inferior to that of England in the present day. British commerce is literally universal—it is not confined to Europe and to a few colonies—it animates the industry of all countries—it crowds the ports and rivers of both hemispheres—it conveys the productions of British workshops to every nation, savage and civilised—and it brings back into the Thames, the Mersey, the Severn, the Clyde, and the Humber, the most valuable freights that ever crossed the ocean.

Increased wealth has of course given increased power to Great Britain. A war of twenty years against the most powerful confederacies, animated by the energy of a master-mind, exhibited the resources of this country beyond all the expectations either of friends or foes. The drain of money, occasioned by the subsidizing of so many governments, and the maintaining of so many armaments, naval and military, would have ruined any other country long before the close of the war. The effect upon England was no doubt severe, but it never amounted to exhaustion; on the contrary, industry flourished amidst the most trying efforts of the government. Though such prodigious draughts were made on the capital of the nation, enough remained to answer the demands of an extending trade and improving agriculture. Foreign trade enlarged in the face of the prohibitions of the whole European continent, and our goods forced their way through all the barriers that political and commercial hostility could raise against them. Since the peace, commerce has advanced with still accelerated speed. The great evil of a depreciated currency has been corrected; not indeed without ruin to many individuals, and extreme pressure to those who were under engagements made during the period of depreciation, but still without crippling any important interest. Manufactures have

gone on rapidly increasing ; employing continually new hands, though their processes are continually improving, so that less labour is required to produce the same results; and at this very time, every branch of manufactures enjoys high prosperity. Our commerce has triumphed over the rivalry of peace, as it did over the proscriptions of war—it has gone on, widening and strengthening, in defiance of jealous tariffs and of the rapid progress of foreign manufactures. The means of employment and support keep pace with the increase of population ; and the large manufacturing towns are not only giving employment to their own inhabitants, but also to numbers removed from the agricultural districts. The revenue is such as to satisfy the demands of the public creditor and the public service, after the reduction of many millions of taxation. And the nations of Europe have lately witnessed with astonishment a great operation of finance in England—the raising of twenty millions sterling, and the perfect ease with which that sum was furnished.

The rapid growth and robust constitution of British commerce, during the last half-century, evidently bespeak some *new principle* of commercial prosperity. What that principle is, may be conjectured from observing the peculiar nature of our commerce. It does not consist, like that of Holland and Venice, mainly in the interchange of commodities brought from many foreign countries; neither is it founded on the exportation of agricultural produce, like that of Russia, France, and the United States. England is indeed a great commercial *entrepôt*, especially for colonial produce; but her commerce is based almost wholly on her *manufactures*, with which she supplies all foreign markets, and by means of which she purchases the productions of every country. Out of 41,286,594*l.*, the real or declared value of British produce and manufactures exported in the year 1834, only 1,470,793*l.* was the produce of our soil, mines, and fisheries (and that not entirely in the raw state), whilst the remaining 39,815,801*l.* consisted of the productions of our mills and workshops. Of the latter sum, no less than 20,492,509*l.*, or upwards of one-half, was made up by the varied productions of the cotton manufacture, 5,784,017*l.* by woollens, 2,501,292*l.* by linens, and 1,484,681*l.* by hardware and cutlery.

When we take the largest item of this great aggregate of exports, that of the *cotton manufactures*, and find that, in the year 1780, the value of this branch of exports did not exceed 355,060*l.*, or less than *one fifty-seventh* part of its present amount, we are led directly to the cause of the extraordinary increase in our trade, and to the subject of the volume which is placed at the head of this article.

It appears, then, that the cause of our extended trade and accumulated wealth is an internal cause,—not the adventures of our merchants in foreign lands—not the success of our navigators in carrying and interchanging the productions of other countries—but the industry of our manufacturers and artisans at home, aided by our natural advantages, producing goods which, by their excellence or their cheapness, command a decided preference in the markets of the world.

The commercial phenomenon of the rise of the British cotton manufacture is, as Mr. Baines observes, “unparalleled in the annals of industry.”

“Sixty years since,” says he, “our manufacturers consumed little more than three million pounds of raw cotton annually; the annual consumption is now *two hundred and eighty* million pounds. In 1750, the county of Lancaster, the chief seat of the trade, had a population of only 297,400; in 1831, the number of its inhabitants had swelled to 1,336,854. A similar increase has taken place in Lanarkshire, the principal seat of the manufacture in Scotland. The families supported by this branch of industry, are estimated to comprise *a million and a half* of individuals; and the goods produced, not only furnish a large part of the clothing consumed in this kingdom, but supply nearly one-half of the immense export trade of Britain, find their way into all the markets of the world, and are even destroying in the Indian market the competition of the ancient manufacture of India itself, the native country of the raw material, and the earliest seat of the art.”—(*Preface.*)

The advantages of England as a seat of manufactures, had been proved by the prosperity of the woollen manufacture, which has flourished for five centuries in this island; but the progress of that branch of industry had been gradual, and it affords no parallel, either in its rise or in its extent, to the almost magical growth of the manufacture of cotton. This latter trade has itself existed in England more than two centuries, but its progress was comparatively insignificant till after the year 1770. What cause, then, gave it so extraordinary an impulse, and raised it in a few years to be the largest manufacture ever known? The spring of this great movement

was *mechanical invention*, rendered peculiarly efficacious by the *natural advantages of the country for making and working machinery*.

A brilliant series of inventions, constituting an era in the mechanical arts, effected suddenly a complete change in the modes of manufacturing, which had existed with little variation in all civilised countries from time immemorial. The revolution, which the new machines produced in manufactures, is compared by Mr. Baines to that which the art of printing produced in literature. The improvements were so great, and they followed each other so rapidly, that the mechanical genius of the last age is not unworthy to be compared with the literary genius of the age of Elizabeth. Notwithstanding the pertinacity with which manufacturers usually cling to the processes which habit has made easy, the old processes were in this case abandoned, almost without a struggle. The opposition of the scribes to the printing press was not more obviously hopeless, than that of the spinners with the one-thread wheel, to the introduction of the jenny, the water-frame, and the mule. Implements of classical antiquity were thrown aside as lumber, and the hundred-handed spinning machines were set up as fast as the mechanics could make them. Every branch of the manufacture produced, almost contemporaneously, improvements corresponding with those in the mode of spinning. All that had formerly been done, in minute and slow detail, with simple tools, was now done by wholesale, with machines of astonishing efficacy, and moved by a new and gigantic power, that of steam. From the cleaning of the cotton-wool, after it is plucked, and the separation of the seeds—a process formerly of much difficulty,—through all the operations of preparing and spinning it, and of weaving, bleaching, printing, and finishing the cloth, every one of the numerous stages through which the material passes, witnessed remarkable improvements, which, in their combination, are absolutely wonderful. Centuries had passed with scarcely a single invention worthy of record: and now inventions which might have seemed sufficient for centuries were crowded into one generation.

The main, though by no means the only object of Mr.



Baines's book, is to record—whilst the facts might yet be collected—the inventions and improvements we have alluded to, with their authors, and the effects they have produced; and it is remarkable that his is the only history of the Cotton Manufacture, worthy of the name. He traces distinctly, and with many interesting details laboriously collected together, the early invention of the spinning-frame, which he for the first time proves to belong to John Wyatt, of Birmingham, as early as the year 1738, though it was not perfected till undertaken by the masterly hands of Sir Richard Arkwright in 1769; also the invention of the carding machine, by Lewis Paul, which was likewise brought to perfection by Arkwright; that of the spinning-jenny, by James Hargreaves; of the drawing-frame, and other preparing machines, by Arkwright; of the mule, by Samuel Crompton; of the power-loom, by the Rev. Dr. Edmund Cartwright; of the dressing machine, by Johnson; of the self-acting mule, by Roberts and others; of the saw-gin, for separating cotton from seeds, by Eli Whitney, of Massachusetts; of the mode of bleaching by chlorine, founded on the discovery of Scheele, and applied by Berthollet; of the cylinder printing press, by Bell; of engraving the printing cylinders by transference from a small cylinder to a large one, by Joseph Lockett; of several chemical discoveries in the art of calico printing; of the great moving force applicable to nearly all manufactures, as well as to mining and other operations—the steam engine, so greatly improved by James Watt, that he may almost be considered its inventor; and of many subordinate discoveries and improvements.

The narrative of this unparalleled series of inventions is deeply interesting. It is remarkable that they were nearly all made in the cotton manufacture,—then by far the smallest of the clothing manufactures; though they were capable of being applied to the woollen and the linen, and have been so applied with success. But their effect on the cotton manufacture has been that prodigious extension which we have noticed above. One cause of the immensely greater effect produced on this manufacture than on others is, that the raw material can be grown to an unlimited extent, and very cheaply, and the price of the woven fabric is therefore lower than of any other

material for dress. In this respect cotton has a great advantage over wool, silk, and flax, especially over the two former. The extensive and fertile territories of the United States have produced a supply of cotton increasing in the same ratio as the demand for it in all countries. In the year 1791, that country exported only 189,316lbs. of cotton-wool, whereas in the year 1834 its exports were 384,717,907lbs., of the value of 49,448,402 dollars, considerably more than one-half of the total exports of United States produce. English machinery, therefore, has not only stimulated and extended the manufactures and trade of our own country, but also the trade and agriculture of far distant lands.

We have shown that mechanical invention was the great spring of our manufacturing prosperity. But useful inventions cannot be monopolised by any country; they speedily become known throughout the civilised world, to all who will take the pains of obtaining drawings and models; and even the machines themselves are constantly exported, in defiance of law. There would be no security, then, for the pre-eminence of England, if she had to depend only on past inventions. Nor can there be any certainty that mechanical genius will continue to distinguish us above our neighbours, so as always to give us the lead in improvements, though all the probabilities are in our favour. The honour of the printing press belongs to Germany, of the silk spinning mill to Italy, of the Jacquard loom and bleaching by chlorine to France, and of the steam-boat to America.

The great bulwark of the manufactures and commerce of England, then, is after all to be found in her *natural advantages and position*,—aided, however, most materially by *political advantages*. Mr. Baines thus exhibits the advantages possessed by England, and especially by the principal seats of the cotton manufacture :—

“ The natural and physical advantages of England for manufacturing industry are probably superior to those of every other country on the globe. The district where those advantages are found in the most favourable combination, is the southern part of Lancashire, and the south-western part of Yorkshire, the former of which has become the principal seat of the manufacture of cotton. In the counties of Cheshire, Derbyshire, and Nottinghamshire, and in Renfrewshire and Lanarkshire, in Scotland, all of which districts are likewise seats of this branch

of industry, advantages of a similar nature are found, though not in such close concentration as in Lancashire.

"Three things may be regarded as of primary importance for the successful prosecution of manufactures, namely, water-power, fuel, and iron. Wherever these exist in combination, and where they are abundant and cheap, machinery may be manufactured and put in motion at small cost; and most of the processes of making and finishing cloth, whether chemical or mechanical, depending, as they do, mainly on the two great agents of water and heat, may likewise be performed with advantage."—(p. 85.)

Mr. Baines then shows that the manufacturing districts of England possess water-power in considerable abundance, and inexhaustible stores of coal and iron. He also shows that they enjoy the advantage of good sea-ports, and of easy access to them, as well as cheap internal communication throughout the country, by means of inland navigation and excellent roads; to which is now adding the important facility given by railways to traffic and intercourse. He adds:—

"The political and moral advantages of this country, as a seat of manufactures, are not less remarkable than its physical advantages. The arts are the daughters of peace and liberty. In no country have these blessings been enjoyed in so high a degree, or for so long a continuance, as in England. Under the reign of just laws, personal liberty and property have been secure; mercantile enterprise has been allowed to reap its reward; capital has accumulated in safety; the workman has gone forth to his work and to his labour until the evening; and, thus protected and favoured, the manufacturing prosperity of the country has struck its roots deep, and spread forth its branches to the ends of the earth.

"England has also gained by the calamities of other countries, and the intolerance of other governments. At different periods, the Flemish and French Protestants, expelled from their native lands, have taken refuge in England, and have repaid the protection given to them by practising and teaching branches of industry, in which the English were then less expert than their neighbours. The wars which have at different times desolated the rest of Europe, and especially those which followed the French revolution (when mechanical invention was producing the most wonderful effects in England), checked the progress of manufacturing improvement on the continent, and left England for many years without a competitor. At the same time, the English navy held the sovereignty of the ocean, and, under its protection, the commerce of this country extended beyond all former bounds, and established a firm connection between the manufacturers of England and their customers in the most distant lands."—(p. 89.)

The advantages last mentioned were temporary; but it is most satisfactory to see that the great causes of the commercial prosperity of England are permanent, and that they are as much beyond the reach of accident or hostility, as the sources of the prosperity of any country on the face of the

globe. A suspicion might have been reasonably indulged, that a trade, which rose up so suddenly, might as quickly fall away; and especially, that a foreign trade, which rose during a period of war, might owe its extension to some fortuitous combination of circumstances, and might therefore decline when those circumstances existed no longer. But the trade of England, though its progress was so sudden and extraordinary, received its impulse from an intelligible and permanent cause, of itself fully adequate to produce it; namely, a host of discoveries in mechanics and chemistry, which greatly increased the power of manufacturing; and it is sustained in the elevation thus given to it, by the peculiar suitableness of the physical advantages of England to make those discoveries in the highest degree profitable to herself. Always a favourable seat for manufactures, this country has become so in a super-eminent degree, since the processes were performed more by machinery and less by manual labour. Every step in mechanical improvement has tended to secure to us the pre-eminence we have acquired. The spinning-frames may be said to have created the British cotton manufacture; but if the power-loom had not been invented, we should have lost much of the weaving for export; other countries would have bought our yarn, to a far greater extent than they now do, and woven it for themselves. But when we not only spin by machinery, but also weave, bleach, and print the cloth by machinery—and that machinery somewhat delicate and complicated, requiring to be moved by great power, constantly needing repair, and the subject of almost incessant alteration and improvement—the advantages possessed by a country so abundantly supplied with coal and iron, become incalculable. The English are every way qualified to become machine-makers for the world.

The skill acquired by large classes of workmen in every branch of manufactures, and the minute subdivision of labour, scarcely credible to those who are not practically acquainted with the trades, form additional securities against England being deprived of her present superiority; and the amount of her mercantile capital, with the comparatively low rate of interest for money, contributes also to enable her manufacturers to produce their goods at the lowest cost, and her merchants to enter every market upon the best terms.

In the success of the British cotton manufacture there is nothing artificial. It is not indebted to prohibitions, bounties, drawbacks, or any kind of legislative encouragement,—those dangerous props, which may raise, and for a while sustain, a manufacture, as they have in France, Belgium, and America, but which cannot effectually defend it against competition, or give it a natural and healthy vigour, or make it permanently contribute to the wealth of a state. All those countries have been made to feel the perilous situation into which large classes have been brought by the unwise encouragement of their governors. Experience proves that the cotton manufacturers of France and Belgium cannot compete with those of England; and every impost laid on foreign goods, to protect the manufacturers, is of course laid on the consumers; that is, on the body of their own people. The employments, which were intended to add to the national wealth, in reality diminish it. This fact, to which the late commercial inquiries in France and Belgium have given the fullest demonstration, would surely be a warning to all other governments to shun the same course, if the passion for engrossing, protecting, and meddling, were not the universal disease of rulers.

England is by no means exempt from these baneful legislative restrictions, though her principal manufactures happily do not need them. It is one of the strongest proofs of the energy of the cotton manufacture, that it has triumphed over the depressing influence of the Corn Laws: the dearest-fed population in the world have yet been able to export the cheapest manufactures. There cannot, however, be a doubt that those pernicious restrictions, which raise the price of the chief necessities of life in this country, have had a twofold operation in retarding the natural growth of manufactures and trade:—1st, they have done it by making our manufactured goods considerably dearer than they would otherwise be; and, 2nd, they have provoked foreign countries to resent the exclusion of their corn, by a total or partial exclusion of our manufactures.

The Corn Laws afford the only ground for doubting whether our foreign trade will continue to flourish: they are obviously arming other governments against us, and nourishing up foreign manufactures: every shilling that our agri-

culturists receive for their corn, above the price at which it could be imported, is directly taken from our trade. Our trade is, therefore, labouring under a heavy burden; and even if it should be able to sustain the pressure, the effect must still be to retard the advancement of the nation. The manufacturing capabilities of England can alone be relied on for carrying her prosperity to a higher point; to fetter and oppress those capabilities, is, therefore, to restrict the wealth and power of the country. A change of system would, no doubt, involve the throwing of the poorer lands out of cultivation and a general reduction of rent; and, perhaps, an immediate, though temporary, pressure on the farmer. It is one of the great evils of a vicious commercial policy, that it cannot be abandoned without inflicting serious loss on the interests that have been mistakenly protected. In the meanwhile, the present system is so bad, that the agriculturists are suffering severe distress, even whilst foreign corn is absolutely excluded: they receive no benefit, but rather harm, from the bountifulness of Providence; because, having been induced, by legislative protection, to keep up the home production to the level of the consumption, an abundant harvest causes a glut of corn in the markets—which, owing to the price in England being so much above that of other countries, cannot be relieved by exportation. It may also be safely maintained, that the ultimate effect of the admission of foreign corn at a fixed and moderate duty, would be, to place every interest in the country on a right and solid basis, and to give such an impulse to those kinds of productive industry, for which England possesses the greatest advantages, as would raise the general prosperity of the country, thus enhance the value of land, and eventually compensate to the land-owners for what they had lost.

To return to the British cotton manufacture. Mr. Baines's work gives an elaborate view of its extent, and present state, and of the condition of the classes engaged in its several departments: and from the sources of his information, always distinctly specified, and apparently the best that were attainable, we think that his conclusions deserve credit. It appears that, in the year 1760, only about 40,000 persons were supported by this manufacture; whereas, in 1834, it supported about



that the operations of the manufactories are very injurious to health—that the riches of the masters are obtained at the expense of misery and demoralization to the working classes, and especially to the children employed in mills. Mr. Baines has devoted a long chapter to an examination of this subject, and has discussed it with minuteness, patience, and candour. The medical and official testimony adduced by him, proves that the complaints against factory labour have been ridiculously exaggerated. Tables of sickness and mortality, compiled by eminent actuaries—the opinions of medical men, of the greatest experience, residing in the manufacturing districts—and the strong declarations of the factory inspectors appointed by government—combine to remove the painful impressions which many had received concerning the effects of factory labour. It is also indubitable that the spinners, and all the other classes of workmen employed in mills, receive excellent wages, adequate to command all the necessaries, and many of the comforts, of life. The hand-loom weavers present the only exception to the comfortable condition of the working classes in this manufacture; but there is reason to hope that they are gradually, though too slowly, forsaking an occupation in which they have vainly endeavoured to compete with the energies of science.

The following extracts on the condition of the working classes, will be read with interest:—

“ It may be remarked generally, that the smiths, mechanics, joiners, bricklayers, masons, and other artisans, employed in the construction of buildings and machinery for the cotton manufacture, earn excellent wages, work moderate hours, and have undoubtedly a greater command of necessaries and comforts than at any former period. The spinners, dressers, dyers, printers, power-loom weavers, and all classes of workpeople employed in aid of machinery, are also well remunerated for their labour; in the mills, the hours of labour are limited by law to twelve per day, and nine on Saturday. The hand-loom weavers, employed in making plain goods, on the contrary, are in a deplorable condition, both in the large towns and in the villages; their wages are a miserable pittance, and they generally work in confined and unwholesome dwellings.”—(p. 434-5.)

After giving eleven tables, showing, from various good sources, the wages earned by the different classes of workmen in the cotton-mills, Mr. Baines writes:—

“ The eleven tables now given establish beyond all controversy that the 237,000 workpeople employed in the cotton mills of Great Britain, are in the



receipt of wages amply sufficient to yield them not merely the necessities of life in food, clothing, and habitation, but also many comforts, and some superfluities—to enable the adult workmen, with proper management and frugality, to educate their children, and to provide against sickness and old age—and to admit of children contributing materially to the support of necessitous parents. When a spinner is assisted by his own children in the mill, as is very frequently the case, his income is so large, that he can live more generously, and clothe himself and his family better, than many of the lower classes of tradesmen; and though providence and misconduct too often ruin the happiness of these families, yet there are thousands of spinners in the cotton districts who eat meat every day, wear broad cloth on the Sunday, dress their wives and children well, furnish their houses with mahogany and carpets, subscribe to publications, and pass through life with much of humble respectability.”—(p. 446.)

On the alleged severity of the labour in cotton factories, and its effect on the health of the operatives, Mr. Baines observes :—

“ That there have been instances of abuse and cruelty in some of the manufacturing establishments, is doubtless true ; that the labour is not so healthful as labour in husbandry, must be at once admitted ; and some children have unquestionably suffered from working beyond their strength. But abuse is the exception, not the rule. Factory labour is far less injurious than many of the most common and necessary employments of civilised life. It is much less irksome than that of the weaver, less arduous than that of the smith, less prejudicial to the lungs, the spine, and the limbs, than those of the shoemaker and the tailor. Colliers, miners, forgers, cutlers, machine-makers, masons, bakers, corn-millers, painters, plumbers, letter-press printers, potters, and many other classes of artisans and labourers, have employments, which in one way or another are more inimical to health and longevity than the labour of cotton mills. Some classes of professional men, students, clerks in counting-houses, shopkeepers, milliners, &c., are subject to as great, and in many cases to much greater, confinement and exhaustion than the mill operatives.”—(p. 453.)

“ In opposing one error, I shall endeavour not to fall into an opposite error. I am far from contending that the labour of mills is of the most agreeable and healthful kind ; or that there have not been abuses in them which required exposure and correction ; or that legislative interference was not justifiable, to protect children of tender years from being overworked. It must be admitted that the hours of labour in cotton mills are long, being twelve hours a day on five days of the week, and nine hours on Saturday : but the labour is light, and requires very little muscular exertion. Attention and gentle exercise are needed ; the greater number of operatives are employed in clearing the cotton from the cards, shifting the cans at the drawing frames, removing and replacing bobbins at the roving frames, throstles, and mules, piecing the threads which break at those machines, sweeping up the waste cotton, adjusting the cloth in the power-looms, winding, warping, and dressing the warp. The severest labour in mills is that of the women who clean the cotton by beating it with wands, but this is only in the fine cotton spinning mills, machines being used for the purpose where the lower numbers are spun. The work of the spinners, who are adult males, requires moderate exertion, and great care. It is not true to represent the work of the piecers,

doffers, &c., as continually straining the faculties. None of the species of work in which children and young persons are engaged in mills, require constant attention ; most of them admit even of the attention being remitted every few minutes ; and where the eye must be kept on the watch, habit makes the task of observation perfectly easy. It is scarcely possible for any employment to be lighter. The position of the body is not injurious ; the general attitude is erect, but the children walk about, and have opportunity of frequently sitting, if they are so disposed. On visiting mills, I have generally remarked the coolness and equanimity of the workpeople, even of the children, whose manner seldom, as far as my observation goes, indicates anxious care, and is more frequently sportive than gloomy. The noise and whirl of the machinery, which are unpleasant and confusing to a spectator unaccustomed to the scene, produce not the slightest effect on the operatives habituated to it.”—(pp. 455–457.)

Yet Mr. Baines admits that there are evils, both of a physical and of a moral nature, arising out of the factory system—not necessarily, but from the negligence of those who manage them. The following practical suggestions for the removal of these evils are eminently deserving attention :—

“ It were earnestly to be wished, that master-manufacturers were generally alive to the great influence which they possess, and to the responsibility which consequently rests upon them. On their regulations much of the health, the morals, and the comfort of their work-people depends. *If a medical man were engaged to pay a weekly visit to every mill*, which would be a trivial expense, it would be impossible for any child to grow deformed, or for a person of any age to work himself into disease, because the evil would be checked in its origin. If immorality were punished by dismissal, as it might be with great propriety, a most powerful check to vice would be established. If the children were encouraged to attend Sunday schools, they would generally attend them.

“ The factory system is not to be judged as though it were insusceptible of improvement: much has been done to improve it of late years ; more may still be done. There are not a few mills in Lancashire, Yorkshire, Cheshire, Derbyshire, and Scotland, where ventilation, cleanliness, and even neatness, are enforced, greatly to the advantage both of the master and of the workmen ; where strict regulations exist against immorality of conduct or language ; where schools are taught, in which every child employed in the manufactory receives instruction, and where the girls learn sewing and knitting ; where there are libraries for the use of the work-people, and rewards for the children who attend Sunday-schools ; where there are benefit societies, which afford relief to the subscribers in sickness or misfortune ; and where medical men are employed to inspect the work-people weekly. No man can reflect on the matter without perceiving that a humane, religious, and intelligent manufacturer, has the power of bringing to bear on his work-people a variety of strong inducements to virtue and industry ; that, by an apparatus of means like those above mentioned, by the appointment of steady overlookers, and by his own vigilant superintendence, much, very much, might be done to make a factory rather a school of virtue than of vice. If it be contended, that a mere sordid cupidity actuates the manufacturers, and that they will never be induced to take these measures for the improvement of their operatives ; I reply, that the mill-owners are neither

more under the influence of avarice, nor less under the influence of better motives, than any other class of men. On the contrary, many of them are men of enlarged minds and humane feelings; most of them have the means of instituting these improvements, which would require but a trifling expenditure; and nearly all, from their very habits of business, are accustomed to those extended views and calculations, which enable them to look forward with confidence to a distant advantage from an immediate outlay. Some from benevolence, some from emulation, some from shame, and more, perhaps, than all, from a conviction that it would actually tend to profit, may follow the examples already set; and in ten or twenty years hence, the factories of England may be as much improved in the moral character of their operatives, as they have been in times past in the beauty and efficiency of their machinery. That it is the imperative duty of masters to use all the means they possess of benefiting and improving those who are under their control, no man of correct principles can doubt; and I believe the conviction is strengthening and spreading; that it is eminently the *interest* of a manufacturer to have a moral, sober, well-informed, healthy, and comfortable body of workmen."—(pp. 482—484.)

The subject here treated with such enlarged views—the moral and social condition of the workmen in our manufacturing districts—is one of the most practically important that can engage the attention of the public. As Mr. Baines justly observes, "factories might be made rather schools of virtue than of vice." They must, however, be either the one or the other. Large masses of work-people of both sexes, and most of them in early youth, cannot be collected together and thrown into contact for many hours of every day, without some decided and positive influence, good or bad, resulting from it. Such establishments, conducted with an indifference to the moral interests of the operatives, will naturally breed vice; and that vice will spread itself through the community of which they form a part. But with a system of checks and encouragements, like that suggested by Mr. Baines, and with a vigilant superintendence on the part of the masters, the congregating of so many work-people together might be found to facilitate the diffusion of knowledge, and of sound principles. It is the duty of every manufacturer to look to the interests of his workmen and his country, both of which are clearly involved in the management of those hives of industry—the mills of Lancashire, Yorkshire, and Glasgow. We believe that large capital tends to good management; and that the capitalist who is wisely liberal and careful, in attending to the interests of his servants, thereby promotes his own. It is found indispensable to the efficiency of the great masses of machinery in the

mills, that all their parts should be made of sound and good materials—that they should be perfectly adjusted—that they should be kept free from dirt and rust—and that accidental injury should be quickly repaired: surely it must be of equal necessity, and of far superior importance, that the *moral* machine, to which the other is subordinate, should be sound in integrity and virtue—should be disciplined to order—preserved from all that would defile or corrupt—and that its frailer parts should be watched with especial care, not overstrained, not rudely driven, but placed under sure guidance, and regular impulse.

We cannot close this volume without expressing the high sense we entertain of the talent and information it displays. Mr. Baines has earned for himself an honourable position in the literature of his country; and should he now discontinue his exertions, he may rest satisfied in the conviction of having rendered an important service to the industrial community to which he belongs—of having discharged that duty to society which every one, according to his ability, is called upon to perform.

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#### ARTICLE V.

*Examen Historique et Critique des diverses Théories Pénitentiaires, ramenées à une unité de Système applicable à la France.* Par M. Marquet Vasselot. 3 vols. 1835.

*Rapports de la Société pour le Patronage des jeunes libérés du Département de la Seine, pour les Années 1833-4.* Par M. de Berenger, Président de la Société.

*Les Bagnes. Rochefort.* Par Maurice Alhoy. 8vo. Paris: 1830.

*First, Second, and Third Reports from the Select Committee of the House of Lords, appointed to inquire into the present State of the several Gaols, and Houses of Correction, in England and Wales.* 1835.

THE first three works whose titles we have just transcribed, afford a gratifying proof of the spirit of discreet philanthropy, in

which the great questions of prison discipline, of the correction of juvenile delinquents, and of secondary punishments, are now treated in France; and they give rise to a cheering hope, that the time will come when the duty of social chastisement will be performed with that temperate austerity, which terrifies the wavering and reforms the guilty; and when the same moral instruction, which it is the object of the recent law on education to extend amongst the body of the people, will reach the workshop of the delinquent and the cell of the criminal. In the course of the following pages we shall have occasion, more than once, to allude to these works; it is not, however, to them that we shall chiefly or exclusively refer. Our intention is to offer to the reader such fruits of our own observation and experience as we deem acceptable to the public eye, concerning the criminal population of France; and to describe the condition of the prisons of Paris, of the department of the Seine, and the system of inland secondary punishment which now obtains in that country. We shall take leave, whenever our subject admits of, or demands detail, to make free use of a note book which lies upon our table, from whence we hope to draw such information as may illustrate the lucubrations of a reviewer. The memoranda which this note-book contains were made on the very spots to which they refer; and it may be sufficient to say, that we hold ourselves responsible for the accuracy of the facts which they describe.

The causes of delinquency, amongst the lower classes in Paris, may readily be traced to those seductions which their national character renders most irresistible, and to that excitement which their national history has kept alive. The criminals of Paris come of a race intemperate in pleasure, and impatient of control: they live at a time when the licentiousness of society has been alarmingly increased at the expense of its pristine gaiety; and they plunge into the career of guilt with the ardour of awakened passion and of genius misapplied. The revolutions of 1789 and 1830 have conferred upon the *gamin* and the *ouvrier de Paris* a degree of political importance, that has increased his petulance, and stimulated him to the pursuit of those fickle successes in pleasure and in power, which are the objects of his homeless and adventurous life. The two-fold love of sensual gratification and of independence—the

dislike of labour, which is inadequate to purchase complete enjoyment, and the dislike of authority, whether it be that of a father, a master, or a gend'arme—are the main causes which tempt thousands of lads from their homes, to cast them upon the world, and to drive them along that fatal career of vice, guilt, and punishment, through which we shall shortly trace their steps. By the events, or rather by the chances of his earliest years, the boy is either thrown into the tide of licentious pleasure, or subjected to the painful rule of labour and apprenticeship. If the former, the experience which is speedily acquired by mere children in all the wildest of human passions—the enterprising expeditions which he joins, or even leads\*—the boldness with which he gambles his last pence, his father's earnings, or (if all his stakes have failed) the buttons upon his jacket—the ardent love of dramatic amusement, with which he sculks, night after night, at the doors of the theatres on the Boulevards, or traps himself in the pilfered tinsel of a carnival—mark him out as the future thief, the cunning and covetous enemy of industry and property—which he plunders only to enjoy. If the latter, the sufferings which

\* The following cases may be quoted in illustration of these young adventurers; the individuals to whom they refer are at this moment in the *Maison des Jeunes Détenus*, at Paris.

"Gabriel P—— extremely small in person, but with a countenance expressing ferocious determination joined to extreme cunning. He was the captain of a band of juvenile, almost infant, delinquents, twelve in number, being himself at that time about twelve years of age: his comrades surnamed him "*Le Petit Vidocq*," from the remarkable skill and boldness of his exploits. His companions pilfered from the shop windows and stalls (*ils travaillaient aux étalages*); but he reserved his talents for picking pockets (*il travaillait à la tire*); he very commonly got as much as thirty francs a day, which he went to spend with his band, outside the *barrière*.

"Auguste R——, only ten years of age, was taken up as a confirmed vagabond; he had a natural passion for climbing, and he escaped through windows and chimneys, whenever his father locked him up: when he was transferred to the *préfecture de police*, he and the boys he met with there amused themselves with gambling for sous, with dice which they made of bread. We happened to see this child the first time he entered the refectory of the prison, with the other boy prisoners; he was perfectly unmoved by the novelty and the loneliness of his position. Indeed, it is a general remark that the children who roam about the streets of Paris, sleeping on the stones, and stealing scraps of food from the meat-shops (*charcutiers*), forget the sense of dependence, and lose the gift of tears. They are as barbarous and as brave as North American Indians."

he may have endured under the harsh treatment of a master or the abandonment of a parent, joined to a sullen fear of evil consequences, and an unquenchable hatred of the hand which coerces him, impart a degree of immoral experience, which prepares him for the coarser pleasures and more hardy crimes of the outlaw. These are the characteristics of that singular being, that wandering bedouin of civilised cities, the Gamin de Paris !

“ C'est cet enfant criard que l'on voit à toute heure  
 Paresseux et flânant, et loin de sa demeure  
 Battant les maigres chiens, ou le long des grands murs  
 Charbonnant en sifflant mille croquis impurs ;  
 Cet enfant ne croit pas, il crache sur sa mère,  
 Le nom du ciel pour lui n'est qu'une farce amère ;  
 C'est le libertinage enfin en raccourci,  
 Sur un front de quinze ans c'est le vice endurci : ”

says M. Barbier, the impassioned satirist of modern France.

If in his earliest years this being anticipates the excesses, the passions, and the follies of a maturer age, he retains through life the untamed independence of his boyhood ; and the gamin de Paris grows up (if he survive the diseases of misery and intemperance), to fill one of the lowest stations within, or one of the worst stations without, the pale of civilised society. In the course of the year 1833, 27,460 children were born in Paris, of whom 9347 were illegitimate ; in 1834, the total number of births was 29,130, of which 9985 were illegitimate ; only 1170 of the latter were acknowledged by their parents. This source alone would suffice to supply the consumption of guilt by the produce of sin, were not the majority of these unhappy babes swept off at a very early period of life ; the rest are cast homeless upon the world. It has been found that, of the juvenile delinquents in Paris, one fifth are orphans—one half fatherless—and one quarter motherless. (See the Rapport de la Société de Patronage, for 1833, p. 4.) But the ties of marriage are now so ill cemented in France, that the family circle affords small moral protection, and scarcely a common shelter to the beings who are born within it ; hence again the alternative of ill-regulated enjoyment, or of hopeless labour arises ; no religious principle strengthens the bonds of love ; no spirit of mutual succour unites the inhabitants of those poor chambers ; but the passion of equality triumphs over the first and holiest

of human institutions; and the *family* can scarcely be said to exist for the lower orders of Paris, any more than for the beast which brings forth, suckles, and discards, its young. The levity or indifference of the parent justifies the insubordination of the child; and the population increases in number, in the knowledge and desire of luxury, and in the vilest excesses of immorality—without any check from religion, which is stifled by sensualism, or from public opinion, which is degraded and weak.

It is to this population that the criminal code of 1810 is applied; and its application is the consummation of that system of harsh and merciless order, which restored the tranquillity of the empire, after the excesses of the revolution. But if it fulfilled some of the purposes of its author, the present state of the French criminal population, and the excellent *Comptes Rendus de la Justice criminelle*\*, sufficiently attest how imperfectly it has performed the higher task of a criminal legislation—that of correcting the delinquent and softening the libertine. It may be doubted how far a milder system is applicable to men, and the descendants of men, who have passed through the worst scenes which have been enacted in France, in the course of the last forty years. There are elements of discord and rottenness in the population, which afford but little hope of the reform of criminals who have lived in the voluntary practice of all the crimes which, in happier times and countries, frenzy ever tempted the maniac to commit. In the year 1832, however, certain modifications took place in the penal code; the punishment of death was abolished in several cases; and the jury was invested with the power of pronouncing the existence of attenuating circumstances, at their own discretion, without assigning any reason for their determination. The court is obliged, when a declaration of this kind is made, to lessen the penalty which the prisoner would otherwise have undergone, by one degree†.

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\* These returns were first drawn up by the order of M. de Peyronnet in 1825, under the inspection of M. Guerry de Champneuf, and have been continued ever since by the able and persevering care of M. Arondeau.

† In the year 1833, 7315 criminals were tried in the courts of assize in the various departments of France; of whom 3093 were acquitted by the court, and 1848 were condemned to a mitigated punishment in consequence of the recommendation of the jury. The population of the bagnes, and all the prisons of



The effect of this has been to diminish the number of acquittals by about one tenth, and to confer an extraordinary power upon the jury, which has nearly abolished the use of capital punishment, and which has mitigated the infliction of the penal laws, whilst their provisions remain unchanged.

"But," as Mr. Crawford very justly remarks in his excellent Report on the American System, "nothing is more opposed to a complete uniformity of punishment, which is one of the most important means of rendering it effective, than this latitude of discretion conferred by the legislature on men of various education, habits, studies, and employments. The greater criminal is led to calculate upon a lenient punishment; and the degrees of culpability which are established by the penal code in each crime, are confounded by the arbitrary verdict of the jury." The criminal is well aware of the juror's propensity; he reckons with confidence on the consternation which an ordinary man may well feel at the awful trust thus imposed upon him; and the highest penalties of the law are awarded under circumstances of excitement, or from casual motives, derogatory to the dignity of justice, which consists in its strict necessity.

We are tempted to quote the striking language of Mr. Miles, in evidence before the House of Lords, in illustration of this remark.

"Certainty of punishment, without the probability of mitigation, is one of the secrets of effective discipline. A thief speculates upon chance. 'Chance' is his favourite word, and however remote a chance may be, he trusts to his ingenuity and 'good luck' to reduce it to a certainty. Chance is the alpha and the omega of a thief's existence. There are chances of detection, chances of prosecution, and chances of acquittal; even after conviction there are *chances of mitigation*, chances of indulgence in the gaol, and even at the foot of the gallows one solitary chance remains—that the royal demise may save the culprit's life. Thieves calculate all chances to a nicety; and I am informed that they calculate that it is better to plunder, than to enlist, with the chance of a bullet instead of a halter."—*Lords' Report*, p. 397.

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permanent detention, has decreased by nearly one quarter in the course of the last six years; for although the number of delinquents actually convicted has augmented in that space of time, the recommendation of the jury has tended to shorten the general sum of punishment. Thus, the number of forçats or galley-slaves has decreased from 10,000 to 8000; the inmates of the Maison Centrale de Melun from 1600 to 1000, and so on in proportion. There is reason however to believe, that, since the returns here cited were drawn up, the increasing lenity of the juries has been attended by an increase in the number of great crimes.

The object of all the changes which have been made by the French legislators in the institution of the jury, is avowedly to obtain a greater number of convictions. Such was the real and the ostensible motive of the laws more recently appended to the enactments against the press ; and such was the intention of the previous departure from the principle of unanimity, as recognised from time immemorial wherever trial by jury has obtained. On the discussion of that law, M. Arago demonstrated mathematically the enormous increase of the probabilities of error, by the substitution of a bare majority of one to the majority of two thirds, which was previously established by law. But the purpose of the French procedure is far less to detect the truth and to avoid error, than to obtain the conviction of men who are presumably dangerous members of society.

The following cases, extracted from the notes to which we have before alluded, may serve to illustrate the consequences of what has been termed in the *Chambre des Députés* “the omnipotence of the jury,” and to show the mingled ferocity and levity of the French criminal :—

“ Louis G—— committed a murder in the *Maison Centrale de Loos* (Dep. du Nord), where he was undergoing imprisonment for another crime. He declared to the prefect of that department, that he considered himself at liberty to kill and slay whenever and whomsoever he pleased, confident that the jury would always find *circonstances atténuantes*. This man was, however, executed at Lille for the offence ; but several of his accomplices, who were notoriously and avowedly as guilty as he was, remained unpunished.”

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“ A murder was committed in 1821, by Bastien and Robert, upon the mother-in-law of the latter, for the sake of some property. These men were not finally convicted until 1833, when a case of premeditated assassination was proved on the clearest evidence : yet the jury pronounced ‘*circonstances atténuantes*,’ solely because the same individuals had not committed any fresh murder in the twelve years which had elapsed since the perpetration of the crime. Their lives had been profligate and impenitent ; but, as the fruits of one murder sufficed to keep them above such pressure of temptation as might have induced a second, that crime was *attenuated by its consequences*, and their punishment mitigated accordingly. These men are now in the *Bagne of Brest*.”

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“ In the course of this summer (1835), a surgeon of the navy, named Bancal, was tried for having murdered his mistress, under circumstances of peculiar atrocity, but *with her own consent*. The prisoner’s counsel called upon the jury to acquit the prisoner, on the ground that co-operation in suicide was not murder. The jury adopted this principle, however opposed it may be to the spirit of all

criminal legislation, and to the practice of all criminal courts; and this man was acquitted. That is to say, the jury took upon themselves to supersede and annul the laws of their country, because they were allowed to decide upon the law of the case, for the fact was one as to which no doubts existed."

Instances of heinous crime are, however, comparatively rare; and the characteristic delinquencies of the criminal population of Paris are directed more against property from motives of cupidity, than against the person from motives of passion or revenge. The same remark holds good with regard to all large cities and busy manufacturing districts, as contrasted with a rural population, or a more rustic condition of society. In the latter crimes are less numerous, but more heinous; just as the physical disorders to which those classes are subject are more violent and more fatal, though minor diseases are more widely diffused in towns. Thus Dr. Julius remarks, in a pamphlet on the connection between education and crime, recently published in America, that "the smallest number of juvenile delinquencies are found, by the Prussian returns, to have occurred in the least instructed agricultural provinces of Pomerania and Posen, and the largest number in the best instructed, but also most industrious and manufacturing provinces, those of Saxony and the Rhenish countries. But the crimes for which children have been committed in those parts of the kingdom, where their number was small, have been generally of a more heinous character (arson, &c.) than in the provinces with more indictments, but principally for fraud and larceny."

To revert to the comparison we just now employed.—It is not the diminished number of deaths, but the decrease of ailment, which is the true proof of the public health: in like manner, the increasing proportion of minor delinquencies and of petty offenders, in the rank atmosphere of Paris, is a bad symptom; and there is no doubt that these offences are increasing far more rapidly than crimes of a deeper dye are diminishing.

The comparative guilt of the greater and the lesser delinquents is clearly shown in the two great divisions—of criminal and correctional offenders—pointed out by the French code, and maintained in the prisons. The former are exposed to the higher degrees of punishment; the latter are imprisoned, without any mark of public infamy. But here let us listen to

the intelligent author of the book before us, M. Marquet Vasselot.

"However natural it may be to suppose that a criminal, who is undergoing a punishment of a severe character, is necessarily more culpable and more dangerous than an offender whose punishment is comparatively slight, I do not hesitate to affirm that such an opinion is most erroneous. It is not unfrequent to see the same energy which plunged a man into aggravated crime, employed in the work of penitence and reform. M. Mittermaier observes, that the thief who has been early accustomed to live by larceny, may be far more morally depraved, and less susceptible of amendment, than a convict for murder. The latter is most commonly punished for a first offence; the former only attains to the distinction of success among his fellows by a long course of ignominious practice: the latter is immediately exposed to the severest penalties, the former may elude them for years. Hence I conclude with confidence, that correctional delinquents are a hundred times more likely to persevere in their evil courses, than the greater criminals."—*Théories Penitent.*, Vol. II., p. 203.

We entertain no doubt of the justness of this remark, which proceeds from the pen of a man who has devoted his life to the maintenance and improvement of prison discipline, and who now appears as the interpreter of some of the paradoxes and perplexities of those minds which have lost the power of self-government, and abandoned the compass of right and wrong. The human will is more deeply pledged to a misdemeanour than to a crime; in the former case, we are competent to judge the temptation, and the calm discernment, with which the hand of guilt grasps the forbidden fruits of life; but who shall pronounce upon the dark impulses—the evil promptings—the madness and the mystery—of crimes which so often bear the stamp of the unreasonableness, if not of the unconsciousness, of lunacy? Who shall unravel the tangled skein of an understanding disturbed by the absence of a self-control, and of an imagination heated by impure desires?

"Esti tormenti  
Cresceranno ei dopo la gran sentenza,  
O sien minori, o saran sì cocenti?"

These remarks were necessary as a preamble to the details we purpose to lay before our readers; and we shall have occasion to refer to them in the course of the observations we are about to communicate.

The prisons of Paris may be divided into four classes\*, two of which are destined for prisoners before trial; a third

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\* The prisons of St. Pélagie, and the Rue de Clichy, which are not included in these remarks, are exclusively reserved for political offenders and debtors.

consists of houses of correction; and a fourth of houses of detention, or *maisons centrales*, which are at some little distance from the capital. When an individual is arrested in the streets of Paris, whatever may be his offence, from the most heinous crime to the most trivial delinquency, he is at once brought to the *PRÉFECTURE DE POLICE*. He remains there until the *juge d'instruction* has examined him, and (if sufficient evidence be brought forward) committed him for trial. This examination ought by law to take place within four-and-twenty hours from the moment of arrest by the serving of what is called a *mandat d'amener* or warrant; but this period is frequently prolonged with impunity, as the proceedings of the *juge d'instruction* are carefully concealed from the public, with a view to facilitate the conviction of the prisoner, and to avoid the previous excitement of popular sympathy or indignation, which is not unfrequent in England. But although the *maison d'arrêt* of the *préfecture de police* is a common receptacle for the guilty and the unfortunate—the gate at which the novice enters, or at least the outer circle of the hell of crime—it is by far the worst and foulest of all the prisons of Paris. We shall have occasion to show that the progress of improvement in these establishments has been in total disproportion to the presumed innocence of their inmates; the *maison d'arrêt* is not only the most degrading sty into which a delinquent is thrown, but it is the never-failing school of talents already prone to guilty purposes, and the frequent source of accompliceships, which expose the lad to the enticements of the criminal, and involve him in common debauchery and guilt.

“The building of the *Préfecture de Police* is very irregular, and in nowise fitted for a house of detention; the rooms are small, the passages narrow, and the staircases close; no sort of exercise is possible, as no courts exist, and the prisoners occupy the same chamber by night and by day. These chambers are four in number; they are paved with large flagstones, and are warmed from beneath with iron plates; the beds, which are about twenty in number in each room, are turned up in the day time, so that the whole space is left perfectly vacant; there is no furniture, and in all the rooms the prisoners were squatting and wallowing on the floor, or sitting on the support of the bedstead. No occupation of any kind is possible.

“The first room was occupied by loose females, who were waiting to be forwarded to *St. Lazare*; they were exceedingly noisy, although much fewer in number than usual.

“In another ward were women accused of various crimes and misde-

men; they were in the same squalid and miserable destitution; some of them had already been there several days, and were evidently suffering from the physical privations of air, exercise, and food.

"The boys under sixteen years of age are kept apart; they were about ten in number; some of them were waiting to be reclaimed by their parents. One had had been twenty-six days in the *Maison des Jeunes Détenus* before he received his sentence of twenty-four hours' detention in the same prison; his misdemeanor was only that of gambling in the streets; and, strange to say, he was brought back to this den of the *préfecture de police* to wait for his parents, whom no one had apprised of his case! Several children were there of very tender years; one little fellow, with the merriest face in the world, had just run away from his parents for the second time.

"Two rooms of the same size as those below are reserved for the men; they are, however, altogether in one chamber, which they change, in order to have it ventilated, every twelve hours, unless the prison be so full that both rooms are completely occupied. There were about forty persons in it when we entered; the stench was disgusting and the heat intolerable, although the day was cold. These individuals, accused of every gradation of crime and misdemeanor, with the exception of those suspected of capital felonies, and those who can pay the *pistole*, were lounging in every possible attitude of misery, listlessness, and ennui. Some of them were eating coarse bread, others chewing onions and garlic; many had tobacco; but as they were all recently arrested, they had not the usual supply of prison comforts, or the dull submissive air of men undergoing a just or a certain detention. Whilst we were there, four *mouchards* (police spies) came into the visiting room, and the prisoners were successively marched down to them to be recognised. From the moment a man enters this prison the *surveillant* treats him like a galley-slave, brutally vociferating the roll-call, and jesting at the indignation of those who demand justice, as well as at the fear of those who expect punishment.

"One half of the individuals who enter the *maison d'arrêt*, are perhaps never brought to trial; and, of such as are tried, one third will be acquitted; but the *sergent de ville* (policeman) is the only judge recognised by the turnkey, and whomsoever he arrests, is the victim of the law. The *surveillant* asserted that the prisoners sometimes lie weeks, or even months, in this horrid prison, awaiting the pleasure of the *juge d'instruction*, or the *procureur du roi*. The usual term is three days; the legal term twenty-four hours."

The prolongation of the period of detention is an abuse of the law, which the ignorance of the prisoners or the insolence of the gaoler is too apt to facilitate and to maintain. But rare as are notions of right, amongst the individuals who carry the strongest keys to the stoutest locks which human skill can devise, we have no doubt that a civil action for damages might be brought against the gaoler who should venture to exceed the term of his legal authority. After the first examination, prisoners are frequently re-committed for further investigation; and after one crime has been sufficiently attested

to warrant a committal for trial, the *juge d'instruction* frequently retains the delinquent in his own keeping, for some time, with the hope of extracting, from his confessions or his despair, a clue to further offences or to the accomplices of his guilt. In this sense, the odious prison of the *préfecture* may be regarded as a real place of preliminary torture; the *question* is applied to all who enter it, by the unspeakable nuisances which assail every sense and every decent feeling of the prisoner. It is clear to all who are acquainted with the character of the French ministers of justice—men greedy of convictions, and counting their honours by the number of cases which they bring before a court of assize, incapable of conceiving the clement prejudices of the English law, or of inflicting punishment in the name of any higher motive than the present security of society—it is clear, that no restraint can be exercised upon these functionaries, but by the publicity of their proceedings. No tyranny can be more oppressive, than that of a subordinate officer privately applying the resources of an all-powerful and immoral police to the concerns and the persons of every inhabitant of Paris and of France.

We will, however, suppose that the delinquent is presumed to be guilty of the offences for which he was first arrested. The *juge d'instruction* then consigns him, by a *mandat de justice*, to a *maison de justice*, where he awaits his trial. Three of the prisons of Paris are used for this purpose, and it is to be remarked, that the infamous mixture of the condemned and the accused, which prevails to a certain extent in Newgate, never occurs in Paris\*. These three prisons are, "La Force,"

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\* In England, most of the county gaols are superior to the prisons of London, and the exertions of county magistrates have, in many places, obtained the most satisfactory results; but in France, the prisons of Paris are immeasurably superior to those of the departments; and the exertions of the *inspecteurs-généraux* are insufficient to amend the various evils and abuses to which the latter are subject. We subjoin an account of a prison at Lille, in the heart of the most populous department of France, which may give some idea of what these places are. M. Méchin, the excellent and active prefect of the department du Nord, has erected a new prison in the stead of "Le petit Hôtel," which will be occupied before many months have elapsed; but it is to be feared that Lille offers only a single specimen of a very general abuse.

"The prison of Lille, called 'LE PETIT HÔTEL,' is used as a *maison d'arrêt*, a *maison de justice* for untried prisoners, and a *maison de correction* for

to which the large majority of the men are sent ; " La Con-ciergerie," to which a few peculiar cases are removed ; and " St. Lazare," which is reserved for female prisoners. We shall borrow a notice of these several establishments from the same source which we have already quoted.

" LA FORCE, *Rue St. Antoine, April 1835.*—La Force is an enormous pile of irregular building, which is now solely occupied by prisoners waiting for trial. They are removed hither from the *maisons d'arrêt*, and are frequently detained for a very considerable space of time. The two great conditions of prison disci-

misdeameanants condemned to a short detention. It is an appurtenance of the ancient palace of the counts of Flanders. We entered through a sort of kitchen into the cantine, where the male prisoners are allowed to sit and consume whatever they please to purchase, as beer, gin, brandy, meat, tobacco, and wine, at fixed prices. Passing the cantine we arrived in the court of the female prisoners, which was a yard not more than a few feet square, in which two enormous and dirty dogs were kennelled beside a dunghill. On either side, a steep and crazy staircase of wood leads to the day room, and the sleeping closets of the prisoners. On the staircase to the right, several bare-footed factory girls were gaping in the sun ; they were coarsely dressed, their persons were neglected, with the exception of their hair, and their rude manners and coarse Flemish language, did not preserve a trace of the graceful and coquettish populace of France. The women's dormitories are two closets, containing twelve beds each, stowed so as to touch each other ; the sheeting and coverlids are removed during the day, to prevent them from being devoured by the rats ; on Sundays, a kind of swing loop-hole is opened in the further chambers, through which the women hear mass. They remain in this den till eight o'clock in the morning.

" The division of the men is even more horrible ; there are at this moment (April 1835) 94 prisoners, of whom about 60 are imprisoned for smuggling, and about 25 are under fifteen years of age, for '*la fraude*' is chiefly carried on along the Belgian frontier by children and dogs. Of course, the people attach no sort of criminality to this evasion of the law. The physiognomy of these prisoners was, in general, dull ; the thief's eye was rare, and the contrast with the population of Paris very striking. A sentinel and a great dog were placed at the further end of the court, but the prisoners were not prevented from gambling as much as they liked. The dungeons, which are the only means of effecting a separation between the prisoners, are small dark cellars, streaming with a warm fetid moisture, and incomparably more foul than the worst dungeons of Venice. The sleeping rooms of the men are not larger than those of the women, and as the occupants are much more numerous, they sleep two or three in a crib, men and boys promiscuously. The faces of these poor wretches, more especially of the younger prisoners, bore evident marks of the worst debauchery, misery, and violence. It is worthy of remark that, in this prison, where felons, smugglers, and vagrants, are locked up with weak and ill-directed children, more ignorant than irreligious, thefts between the prisoners are exceedingly rare. The contrary seems to be the case in the county gaols of England, but it is to be hoped that scenes of such filth and depravity are rare in the southern parts of our island, at any rate."



piase, division and labour, are both very difficult to obtain in the state of presumed innocence, in which the inmates of this house of detention remain till their trial; and accordingly there is more disorder, gaming, loose conduct, and abandoned demeanour here than in any other prison of Paris. The surveillans seemed also to be the most brutal and ignorant whom I had met with; the physician, whom we found in the infirmary, was no better, and opined that the sole merit of a prison—which rendered La Force unrivalled—was fresh air. Some division is, however, attempted. In the first place, the lads between sixteen and twenty years of age are kept apart; they have little or no work, and only a few tattered volumes to thumb, but they are kept tolerably quiet. The arrangement of their dormitory is good and economical, though far from being perfect; it may with great ease be adopted in any tolerably sized room. The chamber is divided by stout oaken partitions into compartments, about 7½ feet long, and 4 feet wide, in each of which is a bed: the passage, which goes before and behind the compartments, affords a free ventilation through the broad wooden barring of the door and the opposite end, whilst the surveillant is enabled to see the prisoners as they lie. Silence is preserved during the night, and all personal communication is thus cut off. These cages exist only in the division for lads. Many of the courts and dormitories of the prisoners are exceedingly vast; and the chapel, which is a very lofty building, has been converted into a room for forty beds. The consequence of this change is that there is no chapel at all, nor religious instruction of any kind. Several large courts were filled with prisoners accused of theft and robbery: they were most of them very noisy, paid little or no attention to our presence, and went on gambling at their leisure, an amusement which the brigadier who conducted us seemed to consider as their best and most proper resource. Some of the prisoners were making list shoes, and a few others working at a tailor's board. If work were provided, it is probable that many more would be glad to profit by it. The prisoners accused of *voies de fait*, *bans rompus*, and other offences not amounting to theft, are in a separate yard; and those who have been taken up as vagabonds or mendicants, await their removal to the dépôt at St. Denis, in yet another division. The latter individuals had none of them the bold roving eye of the other culprits, whom one saw in their natural state, as it were, somewhat excited by the tumult of so large a company, the defiance of mutual encouragement, and the uncertainty of their trial. These appeared to be almost all of the true Parisian breed of knaves and ruffians; and certainly I have never seen so many wild and cunning faces in men actually undergoing punishment. At Melun, at Poissy, and even at Bicêtre, there are few faces which do not betray the calamity, if not of reprobation, of ennui: but in La Force, the bird is recently caught, and it preserves its savage, reckless demeanour, its noisy joys, and arrogant independence. There were at this time 630 prisoners in La Force, a majority of whom are probably committed to prison for a second or third time."

It is a well known fact, that the corrupting influence of prisons is even more sensible upon men in confinement before trial than it is after, and, unfortunately, the means of avoiding contamination are fewer and less evident. In Paris no religious instruction, and in most countries no occupation, is allowed to amend or to cheer the prisoner, where all

are legally presumed to be innocent. A division, founded upon the nature of the crimes of which the prisoners are accused, is clearly a fallacy: for, admitting that a certain number of innocent persons are committed for trial upon each charge, the innocent individual accused of murder would await his acquittal in the company of the assassin; whilst the hardened misdemeanant would be carefully, but needlessly, sequestered from the influence of the casual criminal. The only division which appears to us to be expedient, in a prison, for persons before trial, is that to be made between men committed for a first offence, and those committed for a second time—or, as the French term it, *en récidive*—whenever this can be found out: and we insist the more on this point, as we attach the greatest importance to the regular publication of returns, which might give us some data as to the number of relapses or recommitments in the country. A man who has once been condemned, and who has undergone suspense in a gaol, and punishment on the tread-mill or in the hulks, has but little to suffer from contamination. He has already had the disorder, and runs no risk of further infection. And as the worst delinquents, and those most presumably criminal, would be in this predicament, the innocent, or at least the novices, would be removed from their company.

THE CONCIERGERIE—that beautiful building of early French architecture, standing on the island of the Palais de Justice—is one of the most interesting, though it is one of the least used, of the prisons of Paris. From its being several feet below the level of the Seine, every part of it is incorrigibly damp; and prisoners are never kept there more than a few days, just before, or just after, their trial at the court of assize, in the adjoining building. But it was in one of the towers of this edifice, that the prudent Philippe de Comines awaited the pleasure of his wily and ruthless master; and it was from the dampest and closest of the ground cells of this prison, that Marie Antoinette and her sister (who had been separated in their last hours by a wall between their cells), were carried off to the scaffold. A considerable sum of money has recently been expended by the Ville de Paris in restoring and ventilating the Conciergerie, which has served, upon a recent occasion, as a receptacle for the republicans of Lyons, who

were transferred to Paris, to be tried by the Chamber of Peers—a trial and a detention to which it forms no part of our present purpose to allude; we therefore beg our readers to turn with us to the prison which is now exclusively occupied by women.

“PRISON DE ST. LAZARE, March 1835.—This great prison, situated in the Rue du Faubourg St. Denis, contains 853 women: about 497 are condemned to simple correctional detention, for violation of the rules relative to the prostitutes of Paris; but this class sometimes amounts to 600. Of the remaining 356, a large majority were awaiting their trial, and a small number were condemned to temporary imprisonment, for theft and other misdemeanours. The female convicts sentenced to any punishment exceeding one year, are transferred from Paris to the Maison Centrale de Clermont.

“These two great divisions present very different characteristics. We began our visit by the condemned wards. The little girls (a few of whom were certainly not above ten or twelve years old) are separated from the other women, and work under the eye of a matron. Their conduct is in general good; and they are encouraged by an occasional permission, granted by the director, to walk on fine Sunday afternoons along the outer Boulevard. The severest punishment is solitary confinement without labour for a short time.

“Another ward is allotted to the mothers of infant families, and the pregnant women received into the prison. Twenty or thirty young children were here under the care of their mothers: but no traces of a school-room, either for them or the prisoners, were to be seen. The condemned females were at work in the different workshops: they were washing, ironing lace, making straw hats, doing needle-work, and making paper phosphorus boxes, which supply nearly the whole consumption of that very useful article in Paris. There was a female superintendent in each room, who maintained silence, at least while we were there. The females awaiting their trial may work if they choose, and they are paid at the same rate as the convicts. There is no refectory, and all the prisoners eat (*à la gamelle*) from wooden bowls. Their food is abundant, and they are allowed a certain quantity of wine, to be drunk on the spot where it is distributed. In the canteen they may purchase certain extra rations, and snuff, but no fermented liquors. The passion for smoking is so great (especially among the prostitutes) that they make pipes of bread, in which they smoke snuff, tobacco being prohibited. This prison has been very much ameliorated by the introduction of silence and severer discipline within the last few years.

“The great division of the prostitutes is more airy, and more vast, than that of the détenues criminelles; it consists of the workshops and infirmaries. The committals, which are made by the authority of the préfet de police, for infractions of the police regulations relative to this class of women, vary from a few days to three months. There are women here who have been sent to prison eighty times. The persons who preside in the workshops are women. We were accompanied by the director of the prison, and the silence and order which his presence created was ludicrously perfect. The few women we accosted answered in shrieks rather than words, unable to lay aside, for an instant, their customary vociferations.

“The difficulties which are inseparable from all prison observation—the mistrust of the most wary—the concealment of the shame-faced—the hypocrisy of

the crushing—the hostility of the whole community, where every one is either a *goler* or a culprit, a tyrant or a victim—are multiplied ten-fold in St. Lazare. We saw nothing of that habitual turbulence, that inconceivable shamelessness, which characterises the lowest females of Paris: few or none of them had lost that *skilful self-possession*—that impenetrable power of concealment, which belongs to modesty in the best of the sex, and successfully apes it in the most abandoned. If one had not remembered the traditionary horrors of St. Lazare, one might almost have imagined one's-self in the quiet and decent wards of an old-folks' hospital.

"In the infirmary the patients were younger and handsomer than the old harpies below: most of them were in bed, dressed with a certain degree of coquetterie, and sitting up in graceful attitudes; but they had all hard lines above the eye, and a dark shade beneath it. Their heads were arranged with great taste and elegance. Indeed, the hair is the chief pride and amusement of the female prisoner, and the mere threat of cutting it off is a more appalling menace than any other privation, of liberty, food, or light.

"This and La Force are the only two prisons I have seen in which no attempt is made to celebrate public worship. During the Restoration a church was erected here, which is a small, grotesque, and inconvenient building, so badly put together that it is already in need of repair. But the fact is that it has never been used; and the director, who was evidently very anxious to have nothing to do with the church, maintained that the place was absolutely required to stow old bedsteads in. This pretext in St. Lazare, which covers many acres of ground, was rather a strong effort of the imagination. When it is opened, I believe the attendance will be compulsory, a measure to which the director was also opposed; though he was prepared for a very full attendance at the first opening, from motives of curiosity. Since the time of the cholera (1832), mass has not been said in the prison; and I did not hear of any kind of religious attendance or instruction."

The efforts which were made by the Restoration, to base the amelioration of prison discipline and of public instruction upon the ground of religion, have long since been assailed by the back current of the revolution, by the open hostility of subordinate agents to those measures which the higher powers recommend, but which they cannot enforce, and by the profoundly irreligious state of the community. Nevertheless, it is worthy of remark, that in the prisons which we have already described, the absence of religious protection, not to say *consolation*, is more complete than in those which we are about to consider. In La Force and St. Lazare, the prisoner still keeps up a frequent communication with his friends, and his legal advisers; he is not cut off from society, nor does he abandon the habits of indifference which prevail in the whole community. He is not presumed to stand in any need of religion, until he is proved to be guilty of a crime.

We will now suppose that the offender is tried and convicted before the assizes of Paris, which are always sitting, with the exception of a few days in each month. The time of his previous detention depends upon the zeal or the pleasure of the *juge d'instruction*, and the *procureur du roi*; and cases occur of prisoners remaining in gaol more than a twelve-month, whilst proofs are being collected against them. The shortest time in which it is possible for the *procureur du roi* to expedite a serious criminal case, to hear all the oral, and to read all the written depositions, is two months\*. It is not our intention to comment upon the criminal procedure of the French courts, which would extend the topics of a subject already far too copious for our limits; but we cannot but advert to the existence of the practice of self-crimination, by the interrogation of the prisoner or prisoners at the bar—to the absence of the right of cross-examination by the prisoner—and to the spirit of suspicion and animosity which prevails in the French magistrates against the accused, whom the law, of which they are the mere organs, still affects to consider as innocent. The presidents of the local criminal courts† are

\* We advance this assertion upon the authority of an active and zealous magistrate. The following is a statement of the time required to procure, not a conviction, but an acquittal. In 1833, 3093 prisoners were acquitted of the charges brought against them: they had undergone the following detention before trial :—

468	less than one month.
488	from one to two months.
551	from two to three months.
575	from three to four months.
418	from four to five months.
191	from five to six months.
375	from six months to a year.
27	for a year, or longer.

Total 3093

† In each of the 361 *arrondissements* into which the kingdom of France is divided, there is a tribunal, consisting of at least three individuals, who are styled "*Juges de Première Instance*," for trying correctional offences without a jury. In the chief town of each department, another tribunal de première instance exists; and there are twenty-seven *cours royales* in France, each of which furnishes a president to hold the courts of assize for the trial of criminal offenders, with the jury, and for the hearing of appeals from the correctional courts, without that institution.

The grand jury does not exist in France; but every accusation of crime is

personally interested in defending the district in which they reside; and the whole class of magistrates (amounting together, with their counsellors and deputies, to at least 3000 individuals) are as desirous of showing their zeal by the number of convictions they succeed in obtaining, as the savage is to display the trophies of his fallen foes: the public prosecutor is no less ardent in the pursuit; and the habitual scruples of the jury (who are also locally concerned) are the only protection to which the evidence or the arguments of the prisoner can appeal with any chance of success. To this end, an able advocate is invariably selected to defend every prisoner, who is always allowed to speak last in the proceedings. But it is mainly to the jury that the task of appreciating the degree of culpability is referred. It is singular that the central administration, which paralyses so much of the civic energy of the French, should not exist in the dispensation of criminal justice; and that all the magistrates of the *tribunaux de première instance* and of the *cours royales*, should be provincial and locally connected. The consequence is, that whereas a hundred local questions are disposed of by a supreme and remote authority, the trial of prisoners is not protected from the bias of local animosity, and the jury is not placed under the control of a temperate and unprejudiced magistrate. The *Cour de Cassation* does, indeed, hear appeals in criminal cases, but its jurisdiction extends only to points of law, not to the evidence of facts. The tribunals of Paris are divided into courts of assize for criminal cases, and correctional courts; the former of which pass sentence of imprisonment, and all *peines infamantes*, such as the galleys, and other penalties, accompanied by temporary exposure on the scaffold; the latter merely inflict fines and correctional detentions for a shorter term. When a prisoner is condemned to less than one year's imprisonment, he is transferred to *Bicêtre*; which serves at once for a house of correction for these delinquents, and as a *maison de dépôt* for the convicts, who are awaiting the departure of the *chaîne* for

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submitted, in the first place, to a body, called the "Chambre du Conseil du Tribunal de Première Instance," which may annul it by a decision of "*non lieu*," which is equivalent to the finding "no true bill." If, however, it pass this ordeal, it is deferred to the "Chambre d'accusation," which transmits it (if it think fit) to the assizes by an "*arrêt de renvoi*."

the galleys of Toulon and Brest. We shall here extract some account of it as a house of correction, and return to it again as the spot from which the *forçats* are sent off.

“ BICÊTRE, Feb. 1835.—The site now occupied by the hospice, madhouse, and prison of Bicêtre (for these three establishments are comprised within the same building) was once that of the palace of the great Cardinal Beaufort, Bishop of Winchester, whose name has gradually been corrupted into the present appellation. The edifice, as it now stands, was built about the middle of the seventeenth century, and the only vestige of the English occupants of the place, consists in a well, of amazing depth and diameter, from which a constant supply of water is drawn. The portion of the building which is devoted to the prisoners is under a distinct surveillance, and is totally separated from the asylums of age and madness. It consists of several square houses, three stories in height, which surround an exercising yard, usually denominated the *grande cour*, or the *cour aux fers*. In each story there is a corridor, containing about a hundred persons; the cabanons, or wards, upon the right are occupied by delinquents condemned to short imprisonments; the ground-floor of the buildings upon the left, has been converted into workshops, which were originally styled the Fort de Mahon\*; and the upper story, which is still the dormitory of the convicted felons, bears the name of St. Léger. Behind this portion of the prison lies the ‘*cour aux chiens*,’ so called in remembrance of the never-sleeping dog, Dragon, whose kennel once stood upon the wall between this yard and the *chemin de ronde*. The separation which is thus kept up between the greater and lesser delinquents is only temporary; for they all meet at exercise in the *grande cour* for two hours every day, during which time no impediment is offered to their free intercourse. Often have we mingled in the strange and curious groups which gathered round us in these noon-day hours of recreation: here the experienced thief, awaiting a more severe and more lasting punishment, or concocting a plan of escape and future crime; there the young accomplice, already half involved in the vortex of infamy, and anticipating the wretched issue of his future career by the misery of those who tempted him in Paris and met him in Bicêtre. A community of beings clinging to one another in common degradation, and animated by a common hatred of their gaolers and by a brutal love of the same wild enjoyments. Amongst them was a lad of nineteen, who was condemned to seven years *travaux forcés* for a robbery he had committed within eight hours after his liberation from a former detention in the same prison. We happened to have been present at his trial, and to have wit-

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\* It was from the Fort de Mahon, which was then used as a sleeping ward, that the notorious Vidocq attempted his escape, with thirteen companions: the attempt was discovered, the alarm was given, and all the party but one were secured on the spot. The fourteenth, who was a man of great address and strength, escaped over the roof, till at last he let himself drop into a sort of yard. What was his horror at finding himself in the cell of the most furious maniac in Bicêtre! For three days however he contrived to intimidate, to cajole, and to resist this dreadful being, whose food he stole when it was pushed into the cell. At length, however, his situation became untenable, and he gave himself up to the keepers, who restored him to the prison, wounded, lacerated, and exhausted with sleeplessness and hunger.

nessed the talent and spirit which he displayed in his defence. Gagé, surnamed '*le Dégriugoleur*,' for such was his name and title, entertained no notions of criminality, and his idea of a bad action was a robbery unskillfully performed or imperfectly concealed; he professed his contempt for accomplices, his determination to stick to his profession, '*car le vol, c'est le premier commerce du monde*,' and a growing resolution to kill all troublesome witnesses. These sentiments were loudly applauded by a group of greater and lesser scoundrels.

"In the correctional part of the prison, the delinquents who are unable to pay for the expenses of their trial are detained to make up the money; and this subsequent detention is not unfrequently as long as the one to which they were originally sentenced. In the mass of the convicts at Bicêtre, it may be reckoned that eighty in one hundred would immediately re-commence the crimes for which they are suffering punishment, if they got out. Of the remaining twenty, who make some show of penitence, fifteen will yield to temptation, or to want; and perhaps five will take to better courses. Instances have been known of men arrested within three quarters of an hour after their discharge. The room in which the felons sleep is a disgusting instance of the filthy indifference of the French to cleanliness and decency. Ten mattresses are laid, side by side, in one huge crib or bedstead, on each side of the room. On these twenty pallets, forty convicts sleep, and when the prison is full, as it always is a short time before the departure of the chaine, the same number of beds is prepared under the oaken cribs, so that eighty individuals then pass the night in the same chamber! The workshops of Bicêtre are not very considerable, and they do not furnish employment to above half the prisoners. They consist in wadding making, locksmiths' forges, bobbin weaving, &c."

The question of prison labour is an extremely complicated one; and it is no less difficult to determine what trades it may be expedient to teach prisoners. The cheerful activity which prevails in all the workshops, the pleasure which is inseparable from contrivance and production, and the necessary communication of the prisoners in their various employments, render the life they lead scarcely less agreeable than that of the workman. If it is more monotonous, it is more certain. But in the case of the particular trade of *locksmiths*, it is clear that when taught to men of this description it becomes a school for burglary\*; and we know of instances of lads committed to prison for a slight offence, who learned the art of picking or making locks there, and after their discharge were very shortly re-committed for a crime which they had imprudently

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\* We learn from Mr. Crawford's report on the American prisons, that although there are sixteen different trades practised in the eastern penitentiary of Philadelphia, there are no locksmiths, and only five blacksmiths, out of 154 prisoners. In the maison centrale at Poissy, 102 prisoners out of 630 are employed in making locks alone. In the penitentiary of Sing-Sing, which is very inferior in point of discipline to that of Philadelphia, there are 74 blacksmiths and lock makers out of 832 prisoners.



been taught to effect. The system of prison labour is carried on by contract in the French prisons, and the cupidity of the administration is the real cause of these abuses. In the department of the Seine, lock-making repays the contractor better than any other trade, because it is one in which the workmen are very willing to perfect themselves, and because many of them are already skilled in it.

The nature of the employment of course depends on the habits of the population. In Paris there is no staple trade, and the majority of prisoners pass through a long and unproductive apprenticeship; but in the department du Nord, the prisoners are almost all weavers and spinners by education, and the prison is consequently a manufactory, not a collection of workshops. But in this case, the competition with free labour, and the great disproportion of the different trades introduced into the *maisons centrales*, are the two great obstacles to the perfection of the system. The term of apprenticeship is very long in some of the American penitentiaries, where the rule of silence prevents the free communication of instruction; in the French prisons it generally extends to about six months, during which period the prisoner earns about one-half what he is expected to do when his education is completed.

The *Maisons Centrales*, or central houses of detention, were created during the Restoration, for the custody of those delinquents who had been condemned to a term of imprisonment, varying from thirteen months to twenty years, or even for life. As the punishment of the galleys cannot be applied to female offenders, a sentence of *travaux forcés* is always commuted in their case into seclusion in one of these establishments. The design of forming the *maisons centrales* was conceived about the month of March, 1808; it was, however, overlooked in the midst of the schemes and triumphs of that eventful period; and it was not until the 2nd of April, 1817, that a royal ordinance created fourteen of these prisons, which were shortly afterwards increased to the number of nineteen. They were for the most part established in old abbeys, or deserted convents, with more regard to economy than to convenience; and the nineteen *maisons centrales* are very irregularly scattered over the eighty-six departments of France. The

expenditure incidental to the repairs and preparation of these edifices amounted to 10,487,479 francs (about £.419,500), from the year 1815 to 1828. They contain about 17,500 prisoners at the present time; and the total expenditure for 1834 was as follows:—

General expenditure .....	3,600,000 francs
Salary of the inspecteur general ...	10,000 „
Extraordinary expenses .....	5,116 „

Total..... 3,615,116 francs.

(About £.144,604 12s. 9d.)

This expenditure is defrayed by the departments, out of a rate which is termed, in the French budget, the nineteen “centimes additionels,” and which furnishes supplies for the maintenance of roads, and for a variety of other local expenses. The annual cost of each prisoner\* may consequently be reckoned at a charge of 206 francs, 58 centimes (about 8*l.* 5*s.*), upon the departments. In every *maison centrale*, the labour of the prisoners is farmed by a contractor, who engages to supply food, clothing, and occupation to the whole body of inmates, upon certain conditions, and for a certain time. The rate at which this contract is concluded, depends upon the population, and the demand for labour in the several departments; it varies from 36 centimes for each prisoner, per diem, to 65 centimes, besides a certain fixed expenditure for repairs and other necessaries, which brings the average cost of each prisoner to nearly 59 centimes (about 5½*d.*) per diem. The conditions of the maintenance of the prisoners, &c., are fixed by a uniform printed regulation, issued by the minister of the interior, which is called the “*Cahier des Charges*.” The average daily earnings of the prisoners in the *maison centrale*

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\* “At Petworth house of correction, where the accounts are kept with great accuracy, the average daily cost of each prisoner in the last year was 12½*d.*, including subsistence, clothing, and the salaries of officers. The highest sum paid for the support of prisoners is in Berkshire, where the average cost per head in the two prisons is 29*l.* per annum. At Abingdon it amounts to 33*l.* The lowest expense in English counties is in Kent, where it does not exceed 13*l.* 5*s.* At the county gaol of Lincoln, the cost is 32*l.* per head, while the average of the several prisons in that county is 23*l.*”—See Mr. Crawford’s Report on the Penitentiaries of the United States, p. 34.

*de Loos*, for instance, are c. 39. 59. for the men, c. 25. 67. for the women, or c. 35. 05. (about 3½*d.*) for all the prisoners indiscriminately; but the proximity of the great and laborious population of Lille tends to reduce the rate of wages below the usual standard of the other prisons. In many of the *maisons centrales* there are prisoners who earn six or seven francs a week. This sum is divided into three equal parts, of which the first is given over to the contractor; the second is kept for the benefit of the prisoner at the time of his discharge, under the appellation of the *masse de reserve*; and the third is given to him as a weekly allowance, to purchase the luxuries of the cantine, and the corrupting pleasures of a prison life. The details which we are about to offer upon the *maisons centrales of Poissy and Melun*, to which the criminals of Paris and the adjacent departments are removed, preclude the necessity of our commenting at large upon this system; but although the mere physical condition of these prisons is, upon the whole, satisfactory, our readers will be convinced, that, as long as the occupants of these establishments are assimilated to free workmen by the conditions and the emoluments of their labour—as long as the cantine is the resource of the sensual, and the impure reward of the skilful—and as long as so small a portion of the general cost is defrayed by the produce of the prisoners—the system of the *maisons centrales* can neither terrify the criminal, nor reform the bad, nor relieve the community at large from the charge of their support. Not to mention the ill effects of the necessary introduction of taskmasters and a multitude of subordinate officers into the workshops, which is always attended by the abuses of favouritism—the quick workman is preferred to the dull, but repentant offender; by which grounds of vengeance, and fresh incitements to crime, are furnished to the inmates of the prison.

“*MAISON CENTRALE DE POISSY, March, 1835.* Poissy is a large village, about five leagues from Paris, beyond St. Germain-en-Laye. The prison is occupied by correctional delinquents solely, who are condemned to terms of imprisonment, varying from thirteen months to six years. There are now 630 prisoners in it, of whom 184 are from sixteen to twenty years of age, and 387 are old offenders. These 630 prisoners are distributed among fifteen workshops, containing locksmiths, shoemakers, cabinet-makers, turners, curriers, silk-spinners, cotton-spinners, tailors, hat-makers, blind-makers, &c. &c.

“They rise at half-past five in the morning, and have half an hour to wash and prepare themselves before they enter the workshops; at nine o'clock they breakfast

on soup, and bread is given them for the day; they have then an hour's recreation; from ten till two they work; they then dine, have another hour's recreation, and afterwards work till nightfall.

"We arrived about the time of dinner. The hall is in the shape of a double cross, with two tables down each ward. The prisoners enter two and two, each workshop in its order; and grace is said by one of the prisoners before and after each meal. They have a different dinner every day. In ten minutes they rise from table, and are then allowed to purchase extra-rations, and as much as two goblets of wine, with their own money. A great many bring writing materials down with them, and devote the hour of recreation to reading, or teaching each other.

"Here, as in every other establishment with which I am acquainted, I remarked the advantages of orderly and decent eating, as a main condition of discipline and neatness. Four prisoners fed themselves from the same vessel; but I observed no signs of haste or gluttony in any present. Many of them had made a sort of toilette before they came down to dinner; their cravats were neatly tied, and their hands clean. The number of prisoners whose manners were elegant was surprising: one easily guessed that these were for the most part swindlers. At three o'clock they returned to their workshops, which we successively visited.

"In the manufactory of painted blinds we found a young man who had been a sailor and a soldier, and was now a cripple and a prisoner. He said that, notwithstanding his horror of the sea, and the extreme sufferings which induced him, as a lad, to quit the service, he should prefer that hard, but free condition, to the life of a prison.

"The great majority of the prisoners are characterised by the dark hazel eye, glittering like a brown gem; the white of the eye, that human framework which distinguishes the passionate or thoughtful expression of man from the clear but ferocious glance of the beast, is scarcely visible; and the pupil is excessively large and bright. The blue eye of some of the prisoners is, for the most part, cold, and expressive of extreme cunning. I only observed two boys with the languishing and voluptuous blue eye; they were both very handsome. Scarcely any of them had mean countenances, though the expression of many was atrocious or sensual. One of the most remarkable instances of the blue cunning eye was that of a notary, who had probably been sentenced for forging some document. This man was the scribe, and counsellor (as well as the chaplain before meat) of the whole house. Having met him in the silk-spinning rooms, we pointed out to him a lad of a very sulky and ferocious aspect; he allowed that there was not a worse prisoner in the place, and added, '*On n'a pas d'agrément avec ces gens-là.*'

"During the summer months (*i. e.* from March to October, both inclusive) no work is done after nightfall. The same individuals work in the same ward, dine at the same table, and sleep in the same dormitory. Each dormitory contains twenty-five beds, and a *prevôt* (wardsman) is appointed, whose business it is to maintain order, and report any disturbances. But all moral influence is difficult in this or any other prison, as long as the prisoners do not sleep in separate cells. The first hours of the night are spent in recitals of past exploits by the old, in plans and glorious forebodings of racy adventure by the young, and in a detestable mixture of vice and folly, cunning, boldness, and obscenity.

"At the moment of our arrival an attempt at escape had been discovered and

prevented. A man had been condemned to a dungeon for a week, for having excited his comrades to mutiny. These dungeons are a row of low rooms, about 8 feet square, separated from every other building; the walls are not very thick, and are only composed of brick and broken stone. The prisoner had succeeded in perforating the wall with a portion of his bedstead; and he must have worked with inconceivable activity, as he assured me he had been only an hour and a half in making a hole big enough for a man to pass through. He got out, climbed upon the roof, and dropped into an outer court, where a sentinel saw him, who, on his musket missing fire, pursued him, and stopped him with his bayonet. The sentinel afterwards expressed a ferocious regret at not having stabbed the man through the body—a sentiment which seemed very much in accordance with the general feeling of the corps de garde. They were putting the man in irons when we came up. He was very animated, and flushed with his recent exertions. Another prisoner, who was undergoing punishment for the same offence, was found to have begun the same work in his dungeon. He seemed very much disconcerted by the discovery; his character was deep and sullen; a robber of whom a murderer might be made. The other fellow was as light-hearted a thief as ever swung.

“The day before our visit, a young prisoner had been stabbed in the groin by another prisoner, and they were both in the infirmary\* at the same time. The victim, who was doing well, seemed a good-natured sort of lad; the assassin, who was confined apart, and tied to his bedstead, exhibited a most atrocious countenance. His eyes were somewhat distorted, his face pale with disease, but animated with all the disgusting passions of his nature; and his body worn by suffering and approaching death. He declared to the surveillant, that one of his main reasons for committing this crime (which he had long premeditated), was, that he was certain not to live long enough to undergo the punishment it might bring down upon him.”

The youth of many of the delinquents confined in the *maison centrale de Poissy*, and the comparative insignificance of the offences which they have committed, might suggest the idea that the chances of reform are greater there than elsewhere. The very reverse is, however, found to be the case; the morality of the prison is exceedingly lax, the influence of the religious attendants pretty nearly null, and neither the duration, nor the severity of the confinement, contribute to arouse penitent feelings, or to nurture good resolutions. A temporary detention at Poissy is looked upon as a natural incident in the gay and turbulent life of the minor delinquents of Paris. The

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\* The infirmaries in the French prisons are very well regulated; they are furnished with bedsteads two feet and a half wide (French measure), whereas the ordinary bedsteads are only two feet two inches in width. Many of the prisoners are suffering from scrofulous affections at the time of their arrival; and there are few who do not bring with them the germs of phthisis, and other diseases, resulting from their irregular lives. One-eighth of the delinquents in all the *maisons centrales* are incapacitated from work, by illness or infirmity.

most industrious and submissive of the prisoners are those old offenders who have already undergone severer punishments. But the extreme depravity of the inmates may be estimated by the number of disciplinary punishments, which amount to about 1200 in a year; and by the number of re-commitments, which amounted to 68 per 100, in the year 1832, whilst the average of re-commitments to the other *maisons centrales* was only 39 per 100. A portion of the same prison was originally occupied by females, as is still the case in the *maison centrale de Loos*, and in the English penitentiary at Milbank. We do not hesitate to reprobate this practice, as replete with evil consequences: the imaginations of either sex are inflamed; the animal nature of all the prisoners is almost miraculously excited by the mere contiguity of the walls which enclose them; and the chapel which should bring them all to the foot of the same altar, is the building in which draughts of impure breath pass through the partitions which conceal them from each other's sight. The female convicts of the departments of the Seine, Seine et Marne, Seine et Oise, &c., are now removed to the *maison centrale de Clermont*.

We shall now proceed to enable our readers to compare this large prison with the *maison centrale de Melun*, in which the more heinous offenders of Paris and the neighbouring departments are confined; the former is destined to the excesses of the incorrigible libertine—the latter to the propensities and violent life of the outlaw; the one is a receptacle of vice—the other of crime; and accordingly we shall find less polish, and less guile, in the wards of Melun than in those of Poissy.

" *MAISON CENTRALE DE MELUN, March 1835.*—This great prison, situated in an old convent of the town of Melun, eleven leagues from Paris, contains 1021 prisoners, condemned to reclusion and detention for periods varying from fifteen months to twenty years, or even for life. The number of re-commitments is 550, being a smaller proportion than that of Poissy. Very few of the prisoners are under twenty years of age.

" We arrived a few minutes before the dining hour (three o'clock), and when we entered the great court, and the first refectory, the scene was most striking. The great majority of the prisoners were men of remarkable strength and size; the fiery hazel eye, which I remarked at Poissy, was still predominant, but it denoted more manly resolution, more stern confidence in every hazard of crime, more utter insensibility to the claims of virtue and of man. In all that group we did not distinguish a single physiognomy which could, even for a moment, delude the charities of the observer; the mask of hypocrisy hung loose upon the faces of a few prisoners; but the coarse lineaments of cupidity, unmitigated hate, and hardy

endurance, were those of the greater number. The dress of the prisoners here was less neat, and their manners far more rude, than those of the correctional prison of Poissy : it was impossible not to feel that these men were branded with an infamous punishment. Some of them were bronzed with the dust and dirt of the workshops ; others were shuffling across the court, or loitering by the wall, with the meanest arrangement of their mean dress ; they entered the hall in disorder, dined with greediness, and rose with gloom.

" The two refectories are somewhat old rooms, not above ten feet in height ; each of them contains about 500 prisoners at dinner, and communicates with a separate court, so that the entire mass is rarely, if ever, allowed to meet. Nevertheless, no obstacle prevents the occasional communication of any one prisoner with any other : and it would be impossible for a man to escape the notice of any of his companions. After the dinner the prisoners passed to the cantine, which is in the refectory. The *Cantine de vin* was the most frequented. They are allowed to drink four goblets of wine per diem, two in the morning, and two at dinner ; each goblet costs seven liards (rather more than three farthings). The prisoners said the wine was the best thing they had in the prison.

" The workshops are very considerable ; seventeen trades are conducted on the same system as in the other prisons. The braziers' workshop contains more than a hundred prisoners, and the cabinet-makers' about the same number. Six months are allowed for an apprenticeship, during which time the prisoner earns a small weekly stipend, and nothing is added to his *masse de reserve* : when he knows his trade, he may earn as much as three francs a day, one-third of which is paid to the contractor, and another to his *masse*. Among the braziers we found a Belgian, who complained bitterly of his fate : he was a strong, but melancholy man, who bore the marks of a good education : he was reading ' Notre Dame de Paris.' A circulating library is kept by a prisoner sentenced for life ; the books are sanctioned by the director, and hired by the prisoners at a sou per diem.

" The director acknowledged that the chief guarantee of his discipline, or at least of his security, is the constant activity of the spies employed among the prisoners themselves. If any one is suspected of this turpitude by the other prisoners, he is invariably put to death by them : they surround him in great numbers in the court-yard, and pommel him till he dies : this happens occasionally ; and it is as impossible to detect as to punish the murderers. Unfortunately, their suspicions always fall wrong, and many a man has been killed by them without a shadow of reason, whilst the real *faux-moultens* (informers) are honoured by their intimacy and confidence. A certain number of men, labouring under unjust suspicions of this kind, are obliged always to remain near the wall of the room or yard ; once surrounded, their lives would be as good as lost. The system of espionage by *faux-moultens* is practised in all the French prisons, and is considered by the directors to be indispensable. The prisoners as habitually meditate the assassination of their gaolers as they plan their own escape. We saw a formidable collection of weapons, highly sharpened, which were destined for the different officers of the prison, and confiscated in time.

" In the infirmary we saw a man who had stabbed one of the turnkeys, in order to be removed to the *bagne* : he has, however, been sentenced to ten years additional reclusion. Some time ago he committed the same act at Mont St. Michel, where he was confined for robbery. Since this event he has been kept for about a year in solitary confinement ; he cannot read ; and, though he was allowed to work, he complained bitterly of ennui. One of the wardsmen

of the infirmary is a man who has passed five years at the *bagne*; his manners are remarkably gentle and polished. He assured Malin (the culprit) that the *bagne* was infinitely more severe than the *maison centrale*, but such is not the general impression of the prisoners."

This case exemplifies the great difficulty of heightening a secondary punishment without inflicting a capital one. The correction of offences committed in the interior of prisons is frequently impossible; and one great advantage of the solitary system is, that it obviates the possibility of their being committed. Corporal punishment is never inflicted in the French prisons, and it has even been suppressed in the *bagnes* within the last few years; the directors of these establishments, who are not given to err through an excessive lenity, acknowledge that the tendency of all corporal punishment is bad, and that you lose your last hold upon an unbelieving and immoral character when you break his remaining sense of personal honour, by a lashing which degrades him to the level of a hound. We return to our extract.

"Hitherto the *cachots* of the *maison centrale de Melun* have been very small, built of wood, and inadequately separated: a penitentiary division is now nearly completed, into which the most incorrigible prisoners will be thrown, and kept at work on bread and water. The next gradation of punishment is the solitary cell, without work; and the highest degree, the dark cell, which is only used on the greatest occasions. The new buildings intended for these purposes are extensive and dry.

"In this *maison centrale*, attendance on divine service is regularly enforced once on Sundays; the director sets the example, which is in general very willingly and exactly followed. Many of the prisoners receive the sacraments. A Protestant minister is also in attendance on the few prisoners of that persuasion confined here."

Attendance upon divine service in prisons affords, we are sorry to say, no sort of criterion of the religious feeling which may exist amongst the prisoners: the chapel is looked upon as a part of the routine of the place; and it is more easy to comply with the short demand of the ordinary upon an idle day, than it is to submit to several other regulations of the discipline. We turn with pleasure from the *maisons centrales* to which the notes of our informant relate, to the MAISON CENTRALE DE Loos, directed by the author of the work which heads the present article. There, at least under the care of a judicious and persevering director, M. Marquet Vasselot, some attempt has been made at a moral and instructive discipline; the base practice of govern-



ment by *espionnage* has been done away with; the abuses of prison debauchery have been repressed by the introduction of badges of infamy; and merit is encouraged by medals of honour. Numberless defects still remain, which we believe to be inherent in the present system of these establishments; but the quantity of improvements which have actually taken place, prove that no system is so bad that it may not be made to produce some good effects, in the hands of an active and enlightened governor. The most incorrigible prisoners are separated from the rest, and are subjected to severer treatment and a less generous diet. Lectures are given by the director himself every Sunday morning after divine service, upon moral topics connected with the penal code of France, and the infractions of the laws—of which the whole of that singular audience is more or less guilty. The lectures are delivered in simple and affectionate language; and the prisoners attend them with the greatest interest. Seeds of reflection are thus thrown forth into the midst of an attentive assembly, where the mind of every individual is stimulated by the sympathy of his fellow-sufferers. If unconstrained intercourse acts as an encouragement to vice, blasphemy, and the renewal of guilt, the mutual presence of the prisoners is surely not unfitted, at times, and under certain regulations, to ease the moral difficulties of the predicament in which they stand, and to hold up the mirror of human fellowship to their minds.

It forms a part of the system pursued in the *maisons centrales* of France, that a certain number of offenders, who have already undergone one half of their detention, and have exhibited signs of confirmed industry and good conduct, should be pardoned. A list of individuals, called a *Tableau des Grâces*, is annually forwarded to the minister of the interior by the director of each prison, for the approbation of the king. The great abuses of the prerogative of pardon, in the United States, in the little State of Geneva, and in the Milbank Penitentiary, have a serious tendency to diminish the efficacy of punishment. We learn from the evidence of the late excellent chaplain of the latter establishment, that “very nearly all the prisoners in that institution obtain their liberty at the shortest time at which they can be recommended to the secretary of state.” But we contend that the hope

of a commutation, rarely awarded, and cautiously distributed, is most useful as a means of reforming the delinquent, and is a very effective instrument of government in the hands of the director. You may punish—but you cannot amend, without hope. Long imprisonments generally produce a pernicious effect upon the prisoner's mind: like the genius in the box, his resolutions are good as soon as he gets accustomed to the discipline of the place; he derives a stimulus to virtuous activity from the instruction he receives; but after the lapse of a few years, he becomes ferocious; he is hardened by length of endurance; the ties which still connected him with the outward world are broken, and he loses the promise of reform, for ever. Such are the effects of monotony upon the minds and habits of men, and especially of Frenchmen, that they usually prefer the extreme but varied sufferings of the galleys, to the dull and uniform routine of less severe secondary punishment.

We have hitherto purposely abstained from any mention of the prisons now exclusively appropriated, in Paris and in Lyons, to juvenile delinquents. The former of these establishments was founded in the month of August 1831, by the exertions of M. M. de Berenger, Charles Lucas, Taillandier, De Gerando, and others; the latter is of still more recent creation. We are aware of the censures which have been passed on prisons or houses of refuge which afford a shelter to young vagrants, and consequently a bounty upon parental neglect, as well as a means of punishment and reform to young criminals. But several reasons concur to extenuate this evil in France, or at least to render it a necessary part of the existing institutions. In a country where no workhouses exist, the vagrant is left in a state of such utter destitution that no resource remains but those crimes which open the doors of a prison—and we have seen what the state of prisons before trial is. The majority of the lads in the *Maisons des Jeunes Détenus* are summarily committed by the magistrates—without trial, and for very trivial offences. By the articles 375 and 376 of the *Civil Code*, a father has the right of causing his son to be committed to prison—for a term, not exceeding one month when he is under sixteen years of age, and not exceeding six months after that

period. The law which invests the parent with this authority is bound to furnish a proper receptacle for the young culprit. All the juvenile offenders or vagrants, who are arrested in the department of the Seine, are brought directly from the *préfecture de police* to the prison of the *Madelonnettes*, which is the temporary site of the institution. They are kept in a separate ward before trial; and after trial they are subjected to the routine of the prison.

"It is rare," says M. de Berenger, in his excellent report for last year, "that the hearts of these young delinquents are corrupt; and we find that it is not impossible to curb their restless spirit, and amend their bad habits, by a sober and unvarying regimen. They are divided into fourteen workshops, where they pass ten hours in the daytime; this space of time is broken by two repasts, by an hour and a half devoted to primary instruction, and by three intervals of recreation of half an hour each. They are only allowed to speak at given moments, but every irritating act is carefully avoided; all corporal punishment, or insulting language, is prohibited; and although the discipline of the house is always severe, it is never degrading: the only punishment used is a more or less strict seclusion. The system of solitary sleeping cells, which is a necessary complement to a good penitentiary system, is impossible, from the nature of the building of the *Madelonnettes*; but the new prison of La Roquette\*, which has just been constructed, at an expense of nearly four millions of francs (£.160,000) will amply supply these deficiencies; and it is expected that the prisoners will be removed thither in the course of the present year. Several instances of the good feeling of the lads might be adduced, amongst which the following trait deserves notice:—A woman, attached to the service of the prison, who had crossed the court during the hours of recreation, complained that she had been robbed of two five-franc pieces. The director immediately summoned the children, and insisted upon the despicable nature of the act which one of them was supposed to have committed. They were, however, unable to discover the delinquent; and it is possible that the money had been not stolen but lost; but the whole body of prisoners were struck by the misfortune of the poor woman, and they immediately subscribed the ten francs which were wanting from the pittance of their own earnings."—*Report*, pp. 15, et seq.

After their discharge from the prison, where, however, they generally remain at least three years†, the boys are taken

\* This prison was built, at an expense of 2,912,887 francs, for female prisoners; but its destination has been changed, and the alterations which have taken place in it have considerably increased its cost.

† In the report of the Lords' Select Committee, p. 93, there is a curious note of Mr. Brebner, the keeper of the Glasgow bridewell (which we believe to be extremely well conducted), as to the effect of the duration of punishments. The re-commitments of juvenile offenders, who had undergone short punishments, varied from forty to seventy-five per cent., which gradually diminish as the term increases, till out of ninety-three commitments for a space of two years, not a single re-commitment has taken place.

under the protection of a society of patrons, who bind them as apprentices to a trade of their own choice, and encourage them in their good resolutions. The number of re-commitments has been amazingly diminished in consequence of this plan; and it has been found that, far from deterring parents from rendering those good offices to their children which they are bound to fulfil, the co-operation of the patrons stimulates and sanctions their zeal.

It is impossible not to be struck with the hardy and intelligent demeanour of the inmates of this prison, who, when they are rescued from the perilous chances which awaited them, are sure never to become sluggish or indifferent members of society. The discipline of the prison is not so severe as to destroy that youthful elasticity, which it is intended, not to obliterate, but to direct. In their games, the first impulse of the young penitents was to get up theatrical performances, in imitation of those extravagant dramas which had enticed them from their homes to the delights of *la Gaîté* and the *Funambules*—an amusement, which was, of course, suppressed by authority.

We cannot abandon the considerations which the reports upon this establishment have suggested, without expressing a hope that our own country will not always depend upon the zeal of private charities for the discharge of many of its most important duties; and that before long a prison will be set apart in this great metropolis, to which, and to which alone, all juvenile delinquents will be committed both before and after trial. The expense of a penitentiary system adapted to boys, need not be very considerable; and there can be no economy in allowing 8000 children\* to suck in the malaria of

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\* A calculation has been made in France as to the expense to which an habitual delinquent puts the community. It has been proved (on an average of fifty cases) that such an individual passes fourteen whole years of his life in places of confinement, between the ages of sixteen and forty, and eighteen years and four months between the ages of sixteen and fifty. Supposing the annual cost of each prisoner to be only 200 francs, in the latter case an offender aged fifty must have cost the state more than 3600 francs (£.144) without reckoning the cost of judicial proceedings, &c. Of course this sum is much greater in the English gaols; and the saving of temporary transportation may be questioned. The total annual cost of the *maison des jeunes détenus* at Paris, for the year 1832, was (including several extraordinary expenses) 95,832 francs 71 centimes (£.3833), which makes the individual cost of the 285

London depravity, and to be prepared for no other career, than that of the gaol, the hulks, and the gallows. There appears to be very little doubt that, whatever be the increase of crime in England and France, the increase of juvenile delinquency is, in proportion, far greater than that of the sum total of offences. To check this evil, to supply the care of a parent to those unfortunate beings who are as it were spawned in the foul deposits of overgrown cities, and to open a career in another hemisphere to youth whose childhood has been pinched by misery and tainted with crime, is a high aim—and we would add, were it not for the difficulties attending all officious benevolence, an imperious duty. The *gamin de Paris* is the child of folly and dissipation; but we fear that the vagrant of the streets of London is given over at an earlier age to grosser vices, and more incorrigible habits: so much the more pressing is the necessity of strenuous endeavour\*.

We have now traced the progress of the offender through the different stages of the prisons of Paris; and we are arrived at the highest secondary punishment, which commences by his removal to the *bagne* of Brest, Toulon, or Rochefort. Our limits forbid us to enter into the details of these hideous and brutalizing places of punishment; and we refer our readers to the work of M. Alhoy for an account of them, which is very

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prisoners come to 336 francs 29 centimes per annum (about £.13 9s.) It is clear that, if the foregoing calculation be correct, the reformation of only a small fraction of the juvenile delinquents, supposing each one to remain in prison three years, and to cost about £.40, would be a considerable pecuniary saving.

It was given in evidence before the House of Commons, in 1816, that there were then 8000 children in London who subsisted by plunder. And it appears from Mr. Capper's evidence before the House of Lords (May 1835) that the commitments of juvenile offenders in the course of last year were as follows (we presume in England and Wales):—

Aged twelve and under .....	400	males and females.
From twelve to sixteen .....	2204	„ „
From sixteen to twenty-one ..	6473	„ „
Total .....	<u>9077</u>	„ „

\* The Brenton asylum, Hackney Wick, under the superintendence of the Children's Friend Society, is an interesting and successful proof of what may be done with the most depraved juvenile delinquents; and a little book, recently published by Mr. Fors as that institution, deserves notice. But the present agricultural prospects of the country render all agricultural education costly and precarious, and we must learn to do cheaply, and to do what will last.

striking, and we believe correct. We shall, however, avail ourselves of the notes, from which we have already borrowed so largely, to describe the departure of the convicts, which took place, as usual, in the month of April, this year, from Bicêtre:—

“ We left Paris at about eleven in the morning, and arrived in less than an hour at Bicêtre. As we entered the courts of that great hospice, the scene was different from any which I had before witnessed there; the morning was very fine, and hundreds of old men were leaning abroad, stooping over their benches, chatting with their neighbours, or watching the strangers and the baggage-waggons of the *garde-chiourmes*, at the door of the prison. We loitered for some time amongst them, and at last, with some difficulty, entered the prison, and the *cour des fers*, where the ‘*galériens*’ were already preparing for the operation we came to witness. The individuals who were to compose the first chain, twenty-five in number, were drawn up in a file. They successively stripped and put on the shirt of the galleys, with the infamous badge T. F. (*travaux forcés*), after which they were dressed either in their own clothes, or in a coarse striped sailor’s jacket and trousers, which is termed the ‘*habit de voyage*.’ I observed that many of them shook with emotion at this first act, which was scarcely compulsory, who afterwards underwent the ironing with apparent indifference. The majority, however, affected a sort of coquetterie in their attire; they buttoned their waistcoats and loose trousers with peculiar care; they knotted their cravats with neatness; and when they put on the light woollen cap, they scrupulously adjusted the little tuck in the crown, which is a necessary piece of prison elegance. Many of them had woven straw hats in fantastical shapes, such as helmets, beavers, and *sombreros*, which were adorned with flowers, or stars of bugles, to draw attention—and may be a few *sous*—as they crossed their country.

“ After this preparation, the file was ordered to march to the other side of the yard, where the chains were laid along on the ground. Each chain might be about sixty feet in length: the links are long, and weigh nearly a pound each: at a distance of four feet there is a large ring in the central chain, out of which two lesser chains, of three links each, pass, one to the right, the other to the left, so that the whole chain has been aptly compared to the dorsal bone of a fish. When the file arrived at the place, they were ordered to sit down on the pavement, and the *chiourmes* gave one of the branch chains to each of them as they sat: they carefully weighed the long links, and poised them till their turn came. The passage from comparative independence to absolute servitude, from the state of a perfect individual to that of the twenty-fifth fraction of an infamous band, was now about to be completed. There sat these victims of their birth, of their education, of their follies, of their vices, and their bad or covetous hearts, bound to the file of similar depravities—THE CHAIN, which is alive with the crimes and sufferings of a mass of human beings, but which bears no more human name than the bar of a haven, or the iron fastening of a gate.

“ Whilst the convicts were in this position, three of the guards advanced: one of them bore a sort of square ring, that opened with a hinge, which he first fitted to the size of the *forçat’s* throat, and then passed through the link of the chain; another man followed with a portable anvil, upon which the ring was riveted behind the convict’s neck; whilst a third supported his head,

to prevent it from being bruised or shaken by the repeated blows of the hammer. Whilst this was going on, I stood in front of the line. The variety of countenance and demeanour was extremely great: some of the criminals had faces of incredible brutality; but these were more depraved than bold, more foul and swinish than ferocious: others were mere country lads, with bright eyes, and fair hair shining over their tanned faces, who seemed afflicted to dulness by what they had seen, or were about to endure. These boys were mostly condemned for some first offence, and had received no education, even in the arts of crime, before they were committed to prison. But men were not wanting in this singular group, more advanced in years, with the vindictive spirit and hopeless state of the outlaw written on their hard and tranquil features. These are the beings who are beyond all hope of reform; and who subsist by plunder, because plunder alone can satisfy their wants, and exercise their keen and restless faculties. At the *bagne* they are subdued and industrious; they are too sincere fatalists to rebel without hope, and too enterprising ever to lay aside the plans and chances of escape. But they seldom expose themselves to such severe punishment, and the *maisons de réclusion* are usually the places to which they are condemned. The thief calculates every thing, the chances of punishment as well as those of enjoyment; and he knows the game he plays too well to be astonished even at his ill luck, or to regard any misfortune or success as more than temporary.

"At the head of this first line was a lieutenant of the *cinquième légers*, Jean Baptiste C——: he had on a sort of military coat and cap. I inquired his history, which exhibits the astonishing recklessness of the French police. This man was condemned last summer for forgery, to five years of '*travaux forcés*;' and he was sent to Toulon with the *chaîne* in October. In the course of the winter his evidence was required in a trial, which came on in Paris; he was sent from brigade to brigade on foot, driven onwards by the relays of *gend'armes*, till he got to Paris. He described this dreadful journey as infinitely worse than the *bagne*, or even than '*the chaîne*.' On arriving, he gave his evidence, and was now sent back to Toulon in the same painful manner in which he performed his first journey. Not far from this man was a '*forçat*,' in his green cap, who had escaped from Toulon since October last, and had been retaken in Paris; he was precisely one of those bold and deep-featured outlaws I have described above.

"Whilst the blows were given on the anvil behind the convict's neck, which rivetted him to his *chaîne*, the face of each individual assumed a most peculiar expression: it was his soul that winced; his lips were compressed, his eyes staring, and perhaps a keen physical pang would have been a relief to what he felt at that moment. Not that shame or distress predominated—not that any of them blushed or wept, whilst the greater number swore and sung—but it was the sullen submission of the knave to the hand which curbs him. The entire '*chaîne*' of this spring, which contains the mass of the convicts from the north of France, sentenced to less than ten years galleys, consists of 118 individuals; but this number is less than usual: fourteen of them are under twenty years of age, and six above fifty. I should say at least one-third were under thirty. Four *chaines* of twenty-five each, were ironed in our presence: but fifteen or twenty of the *forçats* had been committed to the dark cells for riotous conduct the night before, and they were to be ironed just before starting.

"I believe some sort of classification is attempted in the *Chaîne*; at least, I observed that lads of the same district, and the men who looked the most to be

pitied, were linked together. Of course the first and the last of the troop have a smaller weight of chain to bear. I reckoned that each *forçat* must have about 12lbs. weight of irons to carry; but perhaps this 12lbs. is too small a calculation, for two lads (to whom I shall shortly revert) told me they were brought from Rouen with irons of 30lbs. weight on their legs.

"The second *chaîne* was far more disgusting than the first. I have never seen anything more base than the wretches who composed it. There were physiognomies as clearly lined by the powers of evil as that of Voltaire; but it was the Voltaire of the sewer and the prison, with the same

‘*Rire de singe assis sur la destruction.*’

"When the dressing of the third *chaîne* began, we were standing in the part of the yard in which it was taking place; and I was struck with two lads who were together. The first was a delicate, I may even say, beautiful youth, whose slight person, and long white hands, showed that he had never been accustomed to hard labour, and that he had undergone the sad idleness of a long detention before trial. I am told, that in many prisons it is looked upon as a badge of honour to have those noble or vicious palms, such as Ali Pacha admired. Louis S—, and his companion, had both been transferred to Bicêtre from Normandy: they were not condemned for the same crime; indeed Louis S— had worked in a manufactory at Rouen, and the other lad was from Havre. As I have before observed, they were stripped when we first noticed them, and they were almost the only prisoners who turned away with any show of modesty to change their dress. When the operation was terminated, and we were at liberty to talk to the *forçats*, I addressed them as they sat upon their bench, and learned their history. Louis had been in prison seven months and a half before trial; and as no sort of work was possible in that place, he started on his long journey without a sou: I gave him some *cigarres*, and a few pieces of silver. This boy could neither read nor write. Some one inquired whether there were any means of instruction at the *bagne*, to which an *employé* replied, in the usual tone of those gentry, ‘*Eh bien non—on les envoie au bagne pour les punir, et non pas pour les instruire!*’ But I have somewhat anticipated on the occurrences of the morning.

"When all the *forçats* were ironed, they were allowed to rest for some time on the benches round the yard; after which they were drawn up in the corner nearest the door, to receive the *aumônier*’s parting exhortation. The scene was at this moment very striking: the numerous grated windows of the prison, which overlook the court, were lined with the criminals who are undergoing a temporary detention; from some of the *cabanons* (as the large cells are called) we heard perpetual vociferations, mingled with oaths and good wishes, whilst more than one delinquent sighed through the grate, and told me that this dreadful scene was a lesson he should never forget. At last, when the ringing of the *chaines* which the *garde-chiourmes* were removing was done, the venerable *aumônier* Montès began. He was an old man, in the plain black canonical dress, with the cross of the Legion of Honour upon his breast: he stood between the convicts, whom he addressed, and the spectators who clustered about him. We were all bare-headed. ‘My children,’ said he, ‘when misfortunes happen, whether by our fault, or by the chances of life, or by the will of Providence, we must endeavour to turn the resources that remain to the best account. In the position in which you now stand, I am aware that you will have much to bear; you will pass some years in wearisome labour, and a hard servitude, which may enable you to expiate your crimes. But although our lives are short, and your’s in particular will perhaps be shortened by the privations you will undergo, time enough



remains to repent, to amend, and to acquire that second innocence which will restore your confidence in God and in yourselves, and which may even place you honestly in the world. I do not speak to you of the present advantages which industry and obedience will procure for you; I need not remind you that, for the present, you are cut off from your families, and that few of your former friends will notice you, or hear of you—(Here one of the elder prisoners shed a few tears—another, a country lad, who seemed not to be prepared for this pathetic address, turned away to hide the contraction of his features.)—‘ But,’ continued the priest, ‘ God is always ready to receive the guilty who repent: if you are prodigals, he is the father of the prodigal. I entreat you to think of what I say to you on your long journey, and when you arrive at your destination. And now, my children, I give you my blessing in the name of the Father.’ Few of the convicts remained insensible to this language: but if three or four of them gave way to their emotion, the majority concealed their feelings by an increased affectation of levity.

“ After the *chaines* were again seated on their benches, the other *détenus* seemed more and more anxious to send them keepsakes and little comforts. One of them complained that he was hungry, and immediately three great loaves were thrown down to him; another, that he was cold, and they sent him a *blouse*, which he contrived to put on, notwithstanding the ring on his neck, to the great amusement of the company. At last the pay-time came: the *forçats* are allowed the money they have earned in prison; but if it is a considerable sum, it is given in charge to the lieutenant of the detachment: many of them had a *masse* of forty or fifty francs. One man received a box containing ten francs, and a lock of hair from his mistress—a token of that inexplicable attachment which so often unites the most unfortunate of females to the worst of men; and which induces them to share their perils, to alleviate their sorrows, and to support their ingratitude. The ceremony which we came to witness was now terminated; but such was the interest which I had acquired in the fate of the criminals who were to depart upon their long journey with the morrow’s dawn, that I loitered for some time to converse with the most interesting individuals, as the several cordons filed off across the yard, until a *garde-chiourme* tapped me on the shoulder, and said, ‘ *Monsieur, on ne parle pas aux condamnés;*’ upon which I left the *cour des fers*.”

We need scarcely advert to the palpable evils of a punishment which drags the convicts of the northern districts through the hamlets and the cantons of France; furnishing incentives to that feverish excitement in the population, which produces crime more frequently than it represses it; and exposing the criminals to the injudicious pity of the people, and the brutal treatment of a mercenary band (which does not deserve, and which does not bear, the name of soldiers), during the course of a journey of 500 miles, which is usually performed in twenty-seven days. The expense of the transport of the different *chaines* amounted, in the year 1838, to 127,500 francs (5200*l.*); contracts are undertaken by persons who agree to furnish the necessary escort, provision, and occasional vehicles for the whole number of convicts. But the journey, although it is the

most painful part of the whole punishment, is only a foretaste of the infamy and the brutality of the *bagnes* themselves; where every debasing influence is exerted upon the criminal during the term of his sentence, and from whence he is flung back upon the world totally destitute of resources. The yellow passport which he thenceforward bears, denotes his past infamy at every town he enters, and deprives him of the means of earning an honest livelihood; no master will employ him, and no workmen will mess with him. It is believed that between two and three hundred thousand liberated galley-slaves exist in various parts of France, an object of suspicion to the government, and of terror to the population.

But notwithstanding the imperfections of the highest secondary punishment—imperfections which result from the twofold absence of a penitentiary system and of colonies—the modifications of the penal code, and the authority vested in the jury by the law of 1832, have nearly abolished the practical application of the punishment of death. The following are the numbers of capital convictions for the four last years:—

1831 .....	108
1832 .....	75
1833 .....	50
1834 .....	25

The statistical documents, which will in time show the effect of this important change, are not yet published; nor can they, with so short an experience, be said to exist. On no point do testimonies conflict more than on the fear which great criminals entertain of the punishment of death; and it is not our intention, at the close of an article which has already led us over so wide a field, to enter into this important question. We cannot refrain, however, from adducing two striking anecdotes which illustrate the controversy:—

A murder had been committed in one of the *maisons centrales* by several of its inmates, on the person of a turnkey: two of the murderers were condemned to death; upon which a third, a lad of twenty-one, who had been condemned for a rape at fifteen, and a murder at twenty, but who was not included in their sentence, wrote to the public prosecutor to assert his guilt, and to beg to share their sentence; adding, that he had rather die upon the scaffold than live in close confinement without tobacco.

A. B., a prisoner, in a *maison centrale*, formally announced his intention of killing some one, in order that he might be brought to the scaffold: he was a remarkably well-conducted man; and he expressed his regret for his future victim, saying that he hoped that it would not be the governor, who had always treated him kindly—but that when the hour should be come, the blow must be struck. Of course he was carefully watched; but five months afterwards he killed a task-master, and then walked of his own accord to the cell of confinement. On his trial, he remained perfectly calm and silent; till, when the judge was summing up the evidence at some length, he exclaimed, “Allons, M. le Président, vous m’ennuyez; tout ce que vous dites là est vrai; j’ai tué cet homme; tuez-moi sans tant de paroles.”

How appalling and how various are the forms of lunacy, of error, and of crime!

Nescit quid perdat; et alto  
Demersus summâ rursùm non bullit in undâ.

The question of capital punishment does not, however, occupy the most prominent place in our opinions upon the subject we have been treating; the real question is, as to what secondary punishment can be discovered, which will repress the beginnings of crime, the vicious propensities, and corrupt practices which lead in the end to felony and to death. It is to the vast multitude of busy villains, from amongst whom a ruffian may occasionally proceed, that the remedy (if it exist) must be applied. The crime of blood is, thank God, an *exception*, and punishment of blood ought to be an *exception* also. But let it be remembered, that whoever has snatched a boy from the corrupting influence of a gaol, to which he has been committed for stealing apples—whoever has checked a vicious propensity by the substitution of honest reward, or stilled a passion for licentiousness by a mild and discreet exercise of authority—has done more to diminish the sum of guilt in the nation, than he who has wrung a tardy prayer from the murderer, or saved the hardened offender from the fate to which the laws which he has broken, habitually condemn him.

## ARTICLE VI.

*Pencillings by the Way.* By N. P. WILLIS, Esq. London: 1835.

THAT this book is, in many respects, a very silly one, we readily grant; and that the author has shown himself to be ignorant on some points and presuming on others, we are not disposed to deny. But we deprecate any sneering insinuations being directed against the talent or manners of America, from the character or writings of any individual American. It would be extremely unpleasant to have our English ladies estimated by the standard of Mrs. Trollope; and, at least, we are bound to render to the Americans the same measure of justice as we claim for ourselves; and not to form our opinion of what our trans-Atlantic brethren may be, in delicacy and information, from the specimen which they have sent over to us, in the person of Mr. N. P. Willis. In spite of all that he has shown himself, we still can believe that in America are to be found gentlemen and scholars, with minds as cultivated, and manners as refined, as are to be met with amongst ourselves. But in fact, when we examine into the circumstances of the case, we shall find that the causes of this author's failure are personal to himself; and would most probably have produced the same effect, to whatever country he had belonged.

In the first place, *cockneyism* is of no country; it may flourish as vigorously "on Susquehanna's side," as in Fleet-street; and Mr. N. P. Willis—is a cockney. By cockney, we mean that unfortunate class of animals which can see only one object at a time, and that—the object nearest to them; which are deprived of the power of comparison, and believe the little cockle-boat, in which they themselves are embarked, to be larger, and taller, and grander in every way, than the Britannia at a little distance. To them the ancient σχολαστικός, who showed a single brick as a specimen of a building, appears a very sensible fellow—they CAN only see one brick at a time; but then, to compensate for that imperfection, the brick appears

to them as large as a whole temple—nay, seems a whole temple in itself.

We ought not, therefore, to be much surprised if the observations of a gentleman, of this description, are a little unusual, or, indeed, absurd. The only wonder is that he has not fallen into still greater mistakes. But there is another disqualification, for the task he has assumed, under which Mr. N. P. Willis labours; and which, like the cockneyism we have mentioned, has nothing whatever to do with his being either a United-States-American, or an indigenous Cherokee. In fact, it is his *not* being an American in his opinions, or even a Cherokee, of which we complain. Nothing would give us greater pleasure than to hear the sentiments of a plain, out-spoken, clear-thinking, genuine American, of us and all our doings. Both countries might derive benefit from the observations of a person who was thoroughly acquainted with the institutions of his own land, and had abilities enough to make himself familiar with those of the other. But, whilst he has no feeling of ill-will to the country he is visiting—no *blind* antipathy against what appears new, nor obstinate prejudice in favour of what is old—he must still, in all he says or does, retain his nationality. We do not want an American's opinion of the Americans—nor even the opinion of any Englishman, whose heart and feelings are wholly Americanised; nor, on the other hand, do we want John Bull's opinion of himself—nor, least of all, the sentiments of an Anglified “Yankee,” who forgets the nationality of which he ought to be proud, and degenerates, on reaching the Thames, into the petit maîtreism of a provincial coxcomb, or the pseudo-aristocracy of a country attorney's clerk.

Mr. N. P. Willis, in all that portion of his volumes which relates to this country, has placed himself in a false position; and has further disqualified himself to give any opinion of the aristocratic and literary circles to which he was admitted, by the unfortunate fancy which has seized him, that he himself belongs, as of right, to both. Stranger idea than this never entered into any person's head. The circumstance of this gentleman having received so much notice, amongst the higher classes of society, is one which we hope will show to the Americans that the prejudice against them is entirely worn off. So entirely, indeed, is it abolished, that a strong re-action has taken place

in their favour; and nothing, we can assure them, but the very fact of Mr. N. P. Willis being an American, could have procured him the attentions he was favoured with, while here. All classes (except a very small section of politicians, who fancy they can best prove their love to their own country by undervaluing every other) are anxious to treat the Americans with that kindness which ought to exist between near relations. Blood, as Bailie Nicol Jarvie says, is thicker than water; and a feeling, we are happy to believe, is springing up, that of all quarrels, family quarrels are the most annoying. It is now enough for a man to be transatlantic to procure him a good reception wherever he presents himself, between Cornwall and the Orkneys; and, in order to secure a continuance of this kindly feeling, we are desirous of showing that the indiscretions—to call them by no worse name—which Mr. N. P. Willis has committed (than which nothing would be more likely to interrupt this kindliness of feeling toward our far-away kindred), are to be attributed solely to the individual, and are not to be considered as by any means characteristic of his nation.

When we sit down to a book of travels,—before we can come to any decision on the degree of value attached to it,—we must, as far as possible, make ourselves acquainted with the objects with which it is written. If we see pervading it a zealous desire of ascertaining and communicating truth, we forgive any mistake which may be made, and consider that it arises from haste or inadvertence—from any thing, in short, but design. But when we meet with volumes purporting to be reports of actual occurrences, but which serve principally as vehicles to bring the author himself before us, we look upon *them* with very different eyes. We suspect that the naked reality is dressed up according to the author's taste—that occurrences, if not altogether invented, are at least marvellously changed in the telling; and, in short, we scarcely know whether we are reading “a novel founded on facts,” or the plain *bonâ fide* facts themselves. We fear Mr. N. P. Willis has a great facility in bestowing “the cockit-hat and gold-headed cane,” with which Sir Walter Scott was accused of ornamenting his *vivâ voce* stories. But the misfortune, with him, is, that the cane and the cockit-hat are encumbrances instead of embellishments. The cane is put in the wrong hand—the hat on the wrong head.

We find no fault with these sketches, that they were written as a means of support—or that they are the regularly purchased contributions to a periodical paper. Money cannot be more honourably acquired than by the exercise of talents; and the time is, we hope, not far distant, when literature will be recognised as a distinct and honourable profession. But this we may be allowed to object to—that Mr. N. P. Willis concealed the object with which he sought admittance into society, and introductions to celebrated men. He met them in the unsuspecting freedom of social life;—heard them say silly, or stupid, or ill-natured things (for Apollo is not always bending his bow, nor are philosophers always wise)—and that very night, before thinking of closing his eyes, he writes down all (or sometimes a little more than all) he has seen and heard, with names and dates at full length—and sends them over to our American countrymen as specimens of the conversation of our wits, and orators, and poets. He should, at least, have given people fair warning of his intention; and then they would have spoken their best, and regulated their behaviour “*in a concatenation accordingly.*” But upon this point he himself appears to have felt some qualms of conscience, and makes a defence which, with the book of three volumes in our hands, strikes us as being as poor an attempt at extenuation as has ever fallen in our way.—“It is quite a different thing,” he says, “from publishing such letters in London.” He has had the ingenuity to do away with the difference, and with his apology at the same time.

“There is one remark I may as well make here, with regard to the personal descriptions and anecdotes with which my letters from England will of course be filled. It is quite a different thing from publishing such letters in London. America is much farther off from England than England from America. You in New York read the periodicals of this country, and know every thing that is done or written here, as if you lived within the sound of Bow-bell. The English, however, just know of our existence; and if they get a general idea twice a year of our progress in politics, they are comparatively well informed. Our periodical literature is never even heard of. Of course, there can be no offence to the individuals themselves in any thing which a visitor could write, calculated to convey an idea of the person or manners of distinguished people to the American public. I mention it, lest, at first thought, I might seem to have abused the hospitality or frankness of those on whom letters of introduction have given me claims for civility.”—(Vol. III., p. 83.)

But there are other points, on which we object to the tone and spirit of this book, besides the breach of trust implied in

publishing private conversations. He makes one assertion, in particular, which luckily requires nothing, but the very work on which it is made, to confute it. "Heaven knows," he exclaims, "I have no prejudice against the Scotch, or any other nation—*but it is extraordinary how universal the feeling seems to be against America.*"

The feeling *against America* ! Why, the man's whole third volume is occupied with details of how highly America is prized—how much her poets are admired—how affectionately her statesmen are remembered—and how ardently her prosperity is desired ! We do not believe that in all his travels in Great Britain Mr. N. P. Willis heard, from any individual, a single observation which could justify such an assertion ; and as to its being *universal*, or even *common*, the absurdity of such a statement is apparent at a glance. We doubt not that, since the importation of this traveller, many Englishmen have been persuaded that it is possible for an American to be very vulgar, and not very pleasant ; still we altogether deny that there is any feeling, such as he describes, against America. He adds, "A half hour incog. in any mixed company in England would satisfy the most rose coloured doubter on the subject." We have two objections to make to this. In the first place, the chances are much against America being mentioned at all, in a very great number of half hours, in any mixed company in England. In the next place, we can assure Mr. N. P. Willis, that, if an American enter into conversation, it is not so easy, as he believes, for him to remain "incog." One of the most ludicrous things in the book is this very idea of his, that he has so bathed his tongue "in the pure well of English undefiled," that he has washed out every particle of its native peculiarities. Wherever he goes, he has to *confess* (greatly, no doubt, to the astonishment of the company), that he is an American ; that, so far from being a gay young collegian just run up from Trinity or Christ Church, he never even was in England before ;—not perceiving, all the time, that wonderment preponderated over admiration at the extraordinary dialect in which he was labouring to be eloquent. A national, or even a provincial pronunciation, can never be matter of accusation against any one ;—it is the affectation of concealing it, that renders it ridiculous.



But perhaps the greatest error he has fallen into, in the letters written from England, is the belief, which he evidently entertains, that an entrée to one drawing-room, with its window opening on Hyde Park, admits him to the highest circles of literature and fashion. With the exception of Thomas Moore, he appears to have encountered no author of much greater powers than his own. The *fashion* of London, we have hitherto been led to fancy, holds its revels in a different court. We should imagine too that the very fascinating and accomplished lady, he has mentioned, will be inclined to pause before she again admits to her private parties a gentleman who so uncere- moniously celebrates her guests.

Here is the manner in which she herself is first presented to us:—

“ In a long library, lined alternately with splendidly-bound books and mirrors, and with a deep window of the breadth of the room, opening upon Hyde Park, I found Lady B—— alone. The picture to my eye as the door opened was a very lovely one;—a woman of remarkable beauty half buried in a *fauteuil* of yellow satin, reading by a magnificent lamp suspended from the centre of the arched ceiling; sofas, couches, ottomans, and busts, arranged in rather a crowded sumptuousness through the room; enamel tables, covered with expensive and elegant trifles in every corner; and a delicate white hand relieved on the back of a book, to which the eye was attracted by the blaze of its diamond rings. As the servant mentioned my name, she rose and gave me her hand very cordially; and a gentleman entering immediately after, she presented me to Count D'O——, the well-known Pelham of London, and certainly the most splendid specimen of a man and a well-dressed one that I had ever seen. Tea was brought in immediately, and conversation went swimmingly on.

“ Her Ladyship's inquiries were principally about America, of which, from long absence, I knew very little. She was extremely curious to know the degrees of reputation the present popular authors of England enjoy among us, particularly B——, and D'I——, (the author of ‘Vivian Grey.’) ‘If you will come to-morrow night,’ she said, ‘You will see B——. I am delighted that he is popular in America. He is envied and abused—for nothing, I believe, except for the superiority of his genius, and the brilliant literary success it commands; and knowing this, he chooses to assume a pride which is only the armour of a sensitive mind afraid of a wound. He is to his friends the most frank and noble creature in the world, and open to boyishness with those whom he thinks understand and value him. He has a brother, Henry, who is also very clever in a different vein, and is just now publishing a book on the present state of France.’

“ ‘Do they like the D'I—— in America?’

“ I assured her Ladyship that the ‘Curiosities of Literature,’ by the father, and ‘Vivian Grey’ and ‘Contarini Fleming,’ by the son, were universally known.

" 'I am pleased at that, for I like them both. D'I—— the elder came here with his son the other night. It would have delighted you to see the old man's pride in him, and the son's respect and affection for his father. D'I—— the elder lives in the country, about twenty miles from Town; seldom comes up to London, and leads a life of learned leisure, each day hoarding up and dispensing forth treasures of literature. He is courtly, yet urbane, and impresses one at once with confidence in his goodness. In his manners, D'I—— the younger is quite his own character of Vivian Grey; full of genius and eloquence, with extreme good nature and a perfect frankness of character.' "—(Vol. III., pp. 75—78.)

The admiration of Mr. N. P. Willis seems equally divided between "the Pelham of London" and "the Author of Pelham." The handsomeness of the one, and the abilities of the other, appear to have fascinated him from the moment of his introduction. We have never had the advantage of seeing "the splendid person of Count D'O—— in a careless attitude "upon the ottoman," and therefore cannot judge of the accuracy of the description of his appearance. Mr. Bulwer, however, is exactly the sort of writer whom we should have expected to find in favour with Mr. Willis. If we do not altogether share in his admiration,—neither, on the other hand, do we deny that Mr. Bulwer has a certain degree of talent. This is not the time for an inquiry into the causes which have kept among the "third-rates" an author who might perhaps have established a higher position; but we think it fair to give Mr. Willis's account of this gentleman's appearance and manners, among those with whom he is at home.

"Toward twelve o'clock, 'Mr. L—— B——' was announced, and enter the author of 'Pelham.' I had made up my mind how he *should* look, and between prints and description thought I could scarcely be mistaken in my idea of his person. No two things could be more unlike, however, than the ideal (printed?) Mr. B—— in my mind and the real Mr. B—— who followed the announcement. I liked his manners extremely. He ran up to Lady B—— with the joyous heartiness of a boy let out of school; and the 'How d'ye, B——?' went round, as he shook hands with every body, in the style of welcome usually given to 'the best fellow in the world.' As I had brought a letter of introduction to him from a friend in Italy, Lady B—— introduced me particularly, and we had a long conversation about Naples and its pleasant society.

"B——'s head is phrenologically a fine one. His forehead retreats very much, but is very broad and well marked, and the whole air is that of decided mental superiority. His nose is aquiline. His complexion is fair, his hair profuse, curly, and of a light auburn. A more good-natured, habitually-smiling expression could hardly be imagined. Perhaps my impression is an imperfect

one, as he was in the highest spirits, and was not serious the whole evening for a minute—but it is strictly and faithfully my impression.

“ I can imagine no style of conversation calculated to be more agreeable than B——’s. Gay, quick, various, half-satirical, and always fresh and different from every body else, he seemed to talk because he could not help it, and infected every body with his spirits. I cannot give even the substance of it in a letter, for it was in a great measure local or personal.

“ B——’s voice, like his brother’s, is exceedingly lover-like and sweet. His playful tones are quite delicious, and his clear laugh is the soul of sincere and careless merriment.”—(Vol. III., pp. 90—92.)

As we are now about to follow Mr. N. P. Willis into Scotland, we must go back to a remark in his preface, which perhaps accounts for certain descriptions being introduced—descriptions which would be inexplicable under any other hypothesis. “ The distance of America from these countries, and the ephemeral nature and usual obscurity of periodical correspondence, were a sufficient warrant to my mind that my descriptions would die where they first saw the light, and fulfil only the trifling destiny for which they were intended. I indulged myself, therefore, in a freedom of detail and topic, which is usual only in posthumous memoirs.” The temptation to a little exaggeration we own to be great: and this temptation is infinitely strengthened when we are under no apprehension of its being discovered. And yet, even among our countrymen who are settled in America, there must be hundreds who see in a moment the portentous caricature of Scottish manners, held out to us in the account of his steam-boat adventures on his way to Leith. The distance and formality maintained by the cabin parties on board these vessels is proverbial; and we appeal to Captain Bain himself, so prominently introduced in the following incident, whether such a thing ever did occur, or in fact ever could occur, as is here related with an air of truth. The whole description is extremely improbable. Mr. N. P. Willis evidently supposes that the passengers in a steam-boat bound to Scotland must all be Scotch. This is so far from being the case that the chances are greatly in favour of the majority of them being English, particularly (as it was on this occasion) at the end of the London season.

“ I found the drawing-room cabin quite crowded, cold supper on the two long tables, every body very busy with knife and fork, and whiskey-and-water and broad Scotch circulating merrily. All the world seemed acquainted, and each

man talked to his neighbour, and it was as unlike a ship's company of dumb English as could easily be conceived. I had dined too late to attack the solids, but, imitating my neighbour's potation of whiskey and hot water, I crowded in between two good-humoured Scotchmen, and took the happy colour of the spirits of the company. A small centre table was occupied by a party who afforded considerable amusement. An excessively fat old woman, with a tall scraggy daughter and a stubby little old fellow, whom they called 'Pa;' and a singular man, a Major Somebody, who seemed showing them up, composed the quartette. Noisier women I never saw, nor more hideous. They bullied the waiter, were facetious with the steward, and talked down all the united buzz of the cabin. Opposite me sat a pale, severe-looking Scotchman, who had addressed one or two remarks to me; and, upon an uncommon burst of uproariousness, he laughed with the rest, and remarked that the ladies were excusable, for they were doubtless Americans, and knew no better.

" 'It strikes me,' said I, 'that both in manners and accent they are particularly Scotch.'

" 'Sir!' said the pale gentleman.

" 'Sir!' said several of my neighbours on the right and left.

" I repeated the remark.

" 'Have you ever been in Scotland?' asked the pale gentleman, with rather a ferocious air.

" 'No Sir! Have you ever been in America?'

" 'No, Sir! but I have read Mrs. Trollope.'

" 'And I have read Cyril Thornton; and the manners delineated in Mrs. Trollope, I must say, are rather elegant in comparison.'

" I particularized the descriptions I alluded to, which will occur immediately to those who have read the novel I have named; and then confessing I was an American, and withdrawing my illiberal remark, which I had only made to show the gentleman the injustice and absurdity of his own, we called for another tass of whiskey, and became very good friends.

" We got under weigh at eleven o'clock, and the passengers turned in. The next morning was Sunday. It was fortunately of a 'Sabbath stillness;' and the open sea through which we were driving, with an easy south wind in our favour, graciously permitted us to do honour to as substantial a breakfast as ever was set before a traveller, even in America. (Why *we* should be ridiculed for our breakfasts, I do not know.)

" The 'Monarch' is a superb boat, and, with the aid of sails and a wind right aft, we made twelve miles in the hour easily. I was pleased to see an observance of the Sabbath, which had not crossed my path before in three years' travel. Half the passengers at least took their Bibles after breakfast, and devoted an hour or two evidently to grave religious reading and reflection. With this exception, I have not seen a person with the Bible in his hand, in travelling over half the world.

" The weather continued fine, and smooth water tempted up to breakfast again on Monday. The wash room was full of half-clad men, but the week-day manners of the passengers were perceptibly gayer. The captain honoured us by taking the head of the table, which he had not done on the day previous, and his appearance was hailed by three general cheers. When the meats were removed, a gentleman rose, and, after a very long and parliamentary speech,

proposed the health of Captain B——. The company stood up, ladies and all, and it was drank with a tremendous 'hip-hip-hurrah,' in bumpers of whiskey!"—(Vol. III., pp. 124—127.)

This last incident of the "bumpers of whiskey," we will be bold to say exceeds the wildest flight of Mrs. Trollope's imagination—unless, indeed, Mr. N. P. Willis took his passage in the fore-cabin.

His interview with Professor Wilson is, perhaps, the best of his descriptions, and, but for his petulant and ill-judged attack upon Mr. Lockhart, the least unpleasing. Of Wilson it may be said, as was said by Johnson of Burke, that nobody could stand with him under an archway, during a shower, without being convinced that he was a most extraordinary man. His conversation flows on without stop or stay; always new, always brilliant—his illustrations are highly poetical, and exact at the same time. "Like the waves of the summer, as one rolls away, another as bright and as shining comes on." Wilson is the only celebrated writer we have met with, whose works do not raise higher ideas of his genius than are fulfilled by his conversation. The only thing which is new to us in Mr. N. P. Willis's account of him, is his obliviousness of breakfast, and his awkwardness at his own table.

We have said that Mr. Willis's attack on Mr. Lockhart was petulant and ill-judged; but at the same time, we do not hold that gentleman vindicated from the charges brought against him, by the defence offered in his behalf by Professor Wilson. The accusation—a very weighty one—namely, that he uses the influence of his talents and situation, as Editor of a leading Review, to nourish a feeling of hatred and exasperation between America and England—is advanced more seriously, in the preface. Against this narrow spirit of criticism we are anxious to enter our protest; but at the same time, we must not allow Mr. N. P. Willis to lay the flattering unction to his soul—that the severity of the *Quarterly* can arise from no other cause than the fact of an author being an American. It may arise quite as naturally from the fact of an author being weak or conceited; but, however this may be, how does Mr. N. P. Willis reconcile his statement that "it is to the *Quarterly* we owe every spark of ill-feeling

“ that has been kept alive between England and America  
“ for the last twenty years ; and that the sneers and oppro-  
“ brious epithets of this bravo in literature have been re-  
“ ceived in a country, where the machinery of reviewing was  
“ not understood, as the voice of the English people ; and an  
“ animosity for which there was no other reason, has been thus  
“ periodically fed and exasperated ? ” How does he reconcile  
this with his declaration, in the body of his work, that the feeling  
against America is universal in England ? If the *Quarterly  
Review* be the sole cause of enmity between the two countries,  
and yet that feeling in one of them is *universal*, we confess that  
we had greatly underrated the influence of the *Quarterly Review*.

We trust that we have shown in our brief career, that we are  
animated by no contracted spirit of nationality ; but we cannot  
allow our desire to be *liberal* to overcome our determination  
to be *just*. We shall neither praise a work merely because it is  
written by a foreigner, from a feeling of pseudo-liberality, nor  
shall we captiously condemn it because it is not written by one  
of “ ourselves.” It is in this spirit we have offered these  
remarks, on what may be called the home portion of Mr. N. P.  
Willis's volumes. The extracts which we have made, have been  
of those passages only which contain descriptions of persons who  
may be called public property—of ladies and gentlemen whose  
acquaintance with title pages has made them accustomed to the  
sight of their own names in print. We do not follow Mr. N. P.  
Willis into the recesses of private life. We see no reason,  
because a man happens to be a Duke, that he should be at  
the same time made a show. Nor, indeed, in this country, is  
any great curiosity excited to know the colour of a nobleman's  
gaiters, or the cut of his shooting jacket. Neither is it our  
intention to tell our readers that Mr. N. P. Willis had been  
informed that one nobleman whom he met, and whom he names,  
had “ the reputation of being the coldest and proudest aris-  
“ tocrat of England ; ” or that he saw at a glance that the lady he  
sat next to, at dinner, was the most beautiful woman in Scotland.  
These things we pass over : and having expressed, we hope in  
no rancorous or unbecoming terms, what we consider the faults  
of this portion of his work, we have great pleasure in saying  
that the “ pencillings ” he has given us of other scenes and

countries are frequently interesting and amusing. There is nothing new, nothing deep, nothing in short upon which the memory will be inclined to dwell; but there is a liveliness in the style which carries the reader on, and keeps up his attention in spite of occasional inaccuracy and the meagreness of details. After a diligent perusal of the book, we confess we consider his prose, judging merely of it as composition, to be superior to his poetry. Mr. N. P. Willis is destroyed as a poet by his facility of versification. He seems satisfied with his first expressions, and has still to learn the art of blotting. But his prose is natural and easy, and at the same time has a degree of correctness which, under his circumstances, can only have been acquired by a careful study of good English authors.

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#### ARTICLE VII.

*I Monumenti dell'Egitto e della Nubia, disegnati della Spedizione scientifico-letteraria Toscana in Egitto. Distribuiti in ordine di Materie, interpretati ed illustrati dal Dottore Ippollito ROSELLINI, direttore della spedizione. Tom. I. II. Pisa, 1835, 8vo. With an Atlas and Plates, large folio, in livraisons.*

THIS is decidedly the greatest and most important work which has appeared on Egyptian antiquities, since the report of the French commission to Egypt, collected under the title of "*Antiquités d'Egypte*." A Tuscan commission of scientific inquiry, modelled on the foregoing, has given birth to the publication before us. Rosellini's work is unfinished; a portion only of the plates, which are however in considerable number, as well as of the volumes of text, explaining or commenting upon them, having reached this country. The author is an Italian of high scientific reputation, and was employed in his great undertaking of taking drawings from the tombs and temples which line both sides of the Nile, from the Delta to the southern extremity of old Thebes, when Champollion paid his last visit to Egypt, for the purpose of making similar

researches, the substance of which is to be found in his "*Lettres écrites d'Égypte*." In the mind of any one imbued with a knowledge of what has been done and said on the subject of Egyptian literature and antiquities, up to the present time, the work of Rosellini, or we should rather say the plates by which it is accompanied (for his commentaries are deteriorated by the same *platitudes*, iterations, and wordy and lengthy paradoxes, which have characterised all latter disquisition on the subject),—is calculated to arouse a series of exciting associations, if not to promote great and serious reflections. The work will constitute, we hesitate not to say, an epoch in the *cycle* of Egyptian discovery. Much has certainly been done since the commencement of that cycle; much light has been thrown on facts, which at first were scarcely visible through the twilight, or wrapt in the darkness of the early ages of the world's history; but much more remains to be done. What is chiefly now wanted is to *realise* our profits, and *catalogue* the acquisitions which have been made. Above all, it is requisite to separate what is true from what is false;—what is accurately ascertained, and rigidly demonstrated, from what is vague, speculative, or conjectural. In estimating what has been done, it is also necessary to consider what remains to be done. Neither must a secondary object be neglected, inasmuch as it constitutes a legitimate and effective medium, for bringing the truth before the public, and on the public mind when so introduced.—We mean *novelty*. On this account new and original views, provided they are not in collision with demonstrable truths, or with ascertained facts, are great *desiderata*; and here we must take leave to remark, that upon scarcely any subject within the compass of human inquiry has there been such fatiguing monotony—such nauseating repetition—such faithless or such uninquiring plagiarism, at the expense of predecessors or contemporaries—as on the subject of Egyptian antiquity and literature. Voltaire, had he lived now, might well have applied the sarcasm which he addressed to the literati of France in his time, to the writers of volume upon volume on exhausted themes—

"We all fill our glasses in turn, from the bottles of our neighbours."



Even Rosellini is not more free than his predecessors, or his contemporaries, from the great sin of wearisome repetition. Although he deserves high credit for furnishing materials for new views or startling inferences, he can scarcely be rated above the rank of a laborious pioneer in opening the trenches for a more disciplined assault on the difficulties which rampart the subject. His courage, perseverance, and industry, deserve commendation, while forcing open the exhaustless galleries of the mine which he is pursuing; but he does not himself seem to be aware of the hidden treasures which its bowels conceal from view; nay, not even when his pencil or his graver reproduce strange and splendid samples of the interminable veins which branch from it in all directions, does he seem aware of the rich and inestimable inferences which analysis would be enabled to extract from them.

Nor in bringing forward this charge of abortive repetition, either specially or generally, do we make it, as may be sometimes fairly alleged against criticism, as a *coup d'effet*, for the purpose of flippant depreciation, or upon uncertain grounds.

Every mummy, for example, that is unrolled, is announced as little short of a miracle, by novices in the field of Egyptian inquiry, which (far beyond their limited ken) is almost infinite in the magnitude and variety of its associations. These things are imagined, or are proclaimed to be, novelties, when in fact every mummy that is unrolled, with some unimportant exceptions, resembles its brother or sister mummy; for nothing was more fatiguingly monotonous than all that was comprehended by the religious formulas and superstitions of Egypt. Again, one Egyptian traveller finds himself at the foot of Memnon's statue; he climbs the colossus, finds a hole in the head or breast, and descends with the air of an oracle announcing a new theory—that the celebrated sound of Memnon's lyre was produced by a concealed juggle of the priest,—the same *new theory* having been at least one hundred times repeated. Another visits the great pyramid, and he also returns to the mouth of it with the same oracular visage, announcing a new theory. "All my predecessors," he tells us with mysterious dignity, "are wrong."

"This was never the tomb of Cheops, nor of any Egyptian monarch. This singular concatenation of caverns from which "new ramifications are continually found, and to be found, was "intended for the secret funeral rites of Egyptian freema-  
"sonry." This *new theory*, which late travellers have laid claim to, has also been, in the same spirit of careless or faithless iteration, repeated or varied since its first announcement twenty years ago. These are the things which have thrown ridicule and disgust upon the field of Egyptian inquiry.

Among the splendid exceptions to the imputation which we have brought—are to be named Young and Champollion. Although it may be fairly said that Champollion, coming late into the field of investigation, borrowed from and improved upon Young, as Young, though not to the same extent, borrowed from and improved upon others, it is due to both these able scholars to say, that they made important discoveries, and established equally important truths in the department of Egyptian literature and antiquity. This can neither be doubted nor denied—"Honour to whom honour is "due." It will now be our province briefly to record what has been effected up to the present time, and to follow up that record by a *coup d'œil* of all that remains to be effected or desired, whether obvious or difficult; and of the means which we have at present in our hands, or may acquire, for realising those expectations or accomplishing those *desiderata*. First—What has been done by the spirit of discovery in Egypt—where Young and Champollion may be admitted to have led the van?

The amount of acquisition made by them, if calmly surveyed, will be found to have been, in reality, small. The supposition, thrown out long before the era of Young and Champollion, that the Egyptians, like the Chinese, used their hieroglyphics phonetically or alphabetically, in expressing proper names, is fully established. In fact, no one acquainted, either with the philosophical theory of language, or with the practical structure of the Chinese, or the Mexican, or even the barbarous languages of the Trans-Atlantic Indian savages, could for a moment hesitate to decide that the Egyptians must have employed hieroglyphics to indicate sounds, where names, espe-

cially foreign names, and not ideas, were to be expressed. The framers of such a language, or the speakers of it, had no choice—it was a matter of perfect compulsion. The fact of the existence of this Egyptian alphabet has been established by fair proof, and the characters constituting it have (with somewhat less certainty and with considerable imperfection and vagueness), been ascertained. The amount of the discoveries, chiefly historical, made by this imperfect implement, we shall by-and-bye lay before our readers in a brief form.

Our object, in this article, is to make the subject intelligible, and popular—to avoid all litigated questions connected with it, calculated to produce interminable discussion, with little prospect of a definite result—and to endeavour to throw interest and light upon it, by the indication of inferences, corroborated by numerous facts, and in which all parties are agreed, or postulates of whose self-evident character no candid inquirer can, even at the first sight, admit a doubt.

Were we servilely to adopt Rabelais' advice, "*commencez par le commencement*," the very first of the *veratæ quæstiones* which would occur, would not only fill the space of an ordinary article in this review, but to do it full justice would fill the space of the whole review, and that moreover with materials repeated *usque ad nauseam* by every learned man who has approached the subject of Egyptian antiquities; and which, even if more brilliantly and lightly treated than it usually is, might perhaps interest some hundred *savans*, but would certainly contribute to prejudice and alienate from the subject the majority of the reading public altogether. Our object is to attach that public for the first time to the inquiry, by *popularising* the subject. Our object is to show that, when disencumbered of the lumbering rubbish which scholastic pedantry has piled upon it, no subject exists more full of amusement—more full of information—more full of intellectual excitement—more full even of romance—more full of sublime impressions, convictions, and associations connected with our common nature, with its origin, and with its objects.

Many of the letters employed by the Egyptians to indicate sounds are not up to this time proved. Many, and among

then several of those originally suggested by Young and Champollion, have been disproved. The definition of the Egyptian language given by Clemens Alexandrinus may be, however, said to be proved. He divides the hieroglyphical language, correctly, into two parts,—Phonetic characters (or *First Elements*), by which the sounds of names are indicated,—and Symbols, by which ideas are represented. Those symbols are mimetic, imitating the object, as an *eye* for an eye; or figurative, representing the object, quality, or act, by another object to which they bore analogy, as an *eye* for the all-seeing God. Thus, mimetically, the *pastoral staff* was put for that object; figuratively, for a brother—the idea being derived from the first pastoral brotherhood, or community. The original structure of the Chinese language was precisely similar; and virtually, notwithstanding a designed corruption of the original symbolic form for the purpose of classification in dictionaries, remains the same to the present day. An *eye* represents an eye; with the waved sign of water added, as in Egypt, it represents a tear; but there also it represented the secret rites, because *tears* constituted the chief distinction of the mournful funereal rites devoted to the entombed and resuscitated Osiris-Adonis. The structure of the combined words in both languages is also the same. Thus, a *circle quartered*, in both languages implied *field*; in both languages the combination of the symbol *man* with the *quartered circle*, implied *farmer*, or man of the field. The word *mountain*, in both languages, was originally expressed by the same trifurcate form; the mimetic figure of a *man* being added to that form, in both languages, produced the same idea, *mountaineer*, *satyr*, or *man of the mountain*. The analogy may be carried on by any person who wishes to pursue it through innumerable Protean forms, into a vast variety of brilliant, curious, and striking illustrations of the origin of language. But enough has been stated for the purpose: we will add two more instances of Egyptian combination; the first, on account of the ideal philosophy which it embodies; the second, on account of the series of sublime associations which it is calculated to engender. Divine love is expressed, *figuratively*, by the plough, which, *mimetically*, merely represents that agricultural

implement; love, and the god Phra, the Egyptian god of love, are represented by three letters, which Phonetically constitute the word Phra: but their symbolic combination gives the Egyptian definition of the word and its meaning. The word consists of the masculine and feminine grammatical article united by a *triple knot*. The two geometrical forms which represent the *beau idéal* of the human species, male and female, are strictly Platonic, and will remind the readers of the geometrical mysticism of Proclus and the Platonists. A *square* represents the abstract quality of male; the *semi-circular line* of beauty, the abstract quality of female. Another instance of profound thought, connecting Egyptian wisdom with their symbols, shall be our last. A *hatchet*, mimetically, implied a hatchet, but, figuratively, God; that is to say, combining his creative and destructive power. Three hatchets (as three trees stand for a forest in China) imply the indefinite plural—*gods*. A *palmer's cross* † (not the Tau † signifying philosophically the principle of life), on the Rosetta stone, signifies saviour, or salvation; combined with the *hatchet*, implying God, it involves the meaning of God the Saviour.

A few words will be all that it is necessary to add, respecting the two other divisions of the frame-work of the Egyptian language; a full investigation of which does not appear to us to be necessary to the inquiry especially involved in this paper. Clemens Alexandrinus entitles one the hieratic or priestly characters; the other, the demotic, or we may add, by way of antithesis, laical. The first appears to have been a language either conventionally invented, or conventionally used, by the priests; as the Latin was employed by the Romish church, with a view to exclude the laity from a familiar knowledge of their religious secrets, or their peculiar information. The colleges of learned men who composed the Egyptian priesthood, seem, like the Mandarins of China, to have been engaged in the construction of this language, which somewhat approaches the idea of a philosophical or "universal" language. It gave a record, which the limited forms of the sculptural or ideographical language forbade. For this purpose, they retained the simple structure of the hieroglyphical language, embracing its symbolic and Phonetic divisions; and they gave it copiousness

and facility, by adding to it the use of the alphabetic character in expressing all the infinite varieties of grammatical forms. Out of a similar combination the whole Chinese language unquestionably grew. The best specimen we have of the hieratic or priestly language, is extant on the Rosetta's stone; and a comparison of that, by means of the Greek interpretation co-ordinate with it, (which has been ably effected in Dr. Young's work on Egyptian Hieroglyphics, published on behalf of the *Dilettanti Society*) will demonstrate, beyond a question, that our concise definition of this language is correct. The demotic language, as its name expresses, was the vulgar language of the country, or the language of the laity. A very few words are requisite with regard to it. The remains of it merely indicate a written language like the Coptic or the Arabic, which last its characters somewhat resemble. It appears to have been alphabetical, like our own written language, with the slight exception, that symbolic forms were occasionally introduced,—either as a kind of short-hand, by way of brevity, or through a superstitious reverence for the names and attributes of the gods. Much information may, in future, be expected with reference to the domestic manners, customs, and laws of the Egyptian, from a full acquaintanceship with this language, in deciphering the religious rituals written on the papyri of the mummies, and in interpreting title deeds, leases, magisterial decrees, and legacies. Dr. Young has made much progress in the pursuit of this curious and useful purpose; and a triumph over all the remaining difficulties of the subject may be sanguinely and justly anticipated from the Rev. Mr. Tatum's dictionary of the Egyptian demotic language, on which he is at present engaged, and of which some portions have been already published.

Returning to the results of the Phonetic discovery, we may emphatically name one which is far the most important of the whole. In conjunction with the table of Abydos, discovered by Mr. Banks, and the corresponding tablets of Karnac and Medinet Abu, for which we are indebted to Mr. Wilkinson and Major Felix, it has enabled us to fill up a void of uncertain and contradictory history, by giving the exact genealogy and succession of native Egyptian monarchs. By supplying tolerably well-ascertained data whence to proceed, it has also

furnished us with a chronology embracing long intervals of time, which, stripped of its speculative excrescences, and reduced to facts, is capable of being made one of the most extraordinary gifts to ancient history which modern discovery has produced.

We have stated that our chief intention, in this summary view of the antiquarian literature of Egypt, is to render the subject popular. With this view, it will be expedient for us, not only to adhere chiefly to those positions and portions of the subject which may be considered in some degree proved, and therefore freed from the necessity of elaborate investigation, but also to confine ourselves principally to those points—and they are numerous—which will strike the mind of the reader by their novelty, their interest, or their important consequences. In doing so, we trust to be excused for taking many points for granted, with reference to which, though most parties are agreed upon them, some minor doubts still exist—and in attributing to our readers generally, for the purpose of avoiding dull, and long, and wearisome repetitions, a certain degree of initiation into the *es-oteric mysteries* of the whole inquiry. With this view, we shall avoid a preparatory investigation into which all writers who first address themselves to the subject, have hitherto thought it necessary to enter. We refer to the extant chronologies of the ancient kings of Egypt, from the foundation of the monarchy, which are to be found in the conflicting records of Manetho and Eratosthenes, of Herodotus and Diodorus Siculus, contrasted or illustrated, supported or copied as they are by Eusebius, Syncellus, or Josephus.

The spirit of Egyptian discovery has corroborated the combined result of these chronological evidences, by the visible proofs of sculptured monuments; the association of which, with the above chronologies, is so clearly made out, that it is fair, on the threshold of the comparison, to infer that they are the original sources whence those chronologies are derived; and, not to push the argument too far into the region of speculation, that they may have constituted fragments of the Hermaic books, or tableta, whence the principal chronology—that of Manetho—was avowedly taken.

We refer to the well-known tablet of Abydos, corroborated as it is by other tablets, less comprehensive in the extent of the series of royal successions which they perpetuate—those of Karnac, and of Medinet Abu. It consists of three lines of ovals, each line containing eighteen ovals, and each oval commencing with the symbol *Phra*, the Sun, whence the title of Pharaoh. The middle line comprises, the successive Pharaohs of the 18th dynasty, commencing with the 6th oval and ending with the 18th. The proof of this—the correctness of the Phonetic interpretation being admitted—may be briefly stated. The names of the Egyptian sovereigns are designated by two ovals placed over their heads like the oblong rectangles [] employed by the Tultecans for the same purpose, at Palenque, and comprising similar signs. The first expressed the title; the second, the name as sounded, in Phonetic, or, in other words, alphabetic characters. The double ovals appear in other monuments, and thus cognominally identify the kings.

Some of the more prominent names of the 18th dynasty, and according to the order of their succession in the chronologies, are thus obtained, as Amosis, the founder, Thothmos, or Thothmosis, Menophres, or Moeris (whose era, 1825 B. C., may be said to be *demonstrated*), Amenoph, and Rhames Me-amon. In some cases, the names do not concur with the chronologies; but this probably arose from the circumstance of the titular designation being sometimes employed—at other times the Phonetic designation. In fine, every species of evidence concentrates in the *datum* that the middle line of ovals, from the 5th to the 18th, on the stone of Abydos, represents the succession of the 18th dynasty. That dynasty may be safely stated to have lasted about 348 years;—to have commenced 1409 B. C., and to have ended 1061 B. C.—a date agreeing with the all but demonstrated era of Sesostris. One more demonstrable date may be added, by way of completion—that of Menes, the founder of the Egyptian Monarchy, 2190 B. C.

In surveying the above chronological line of kings, conflicting opinions appear to cease. The materials of protracted discussion among the learned, which we have reprobated, vanish as the evidences of truth become progressively conspicuous to the inquirer. In this point, with more or less



precision, and in some cases with complete accordance, the five collateral chronologies to which we have before referred, agree with Manetho. To these according evidences may be added that of Josephus, who also concurs on all points—founder, order of succession, names, period of reigns, period of the entire dynasty—with some trivial exceptions, with the historical chronology of Manetho. It is to this chronological era, thus curious in its revelations, thus important in the result of its associations, thus substantially proved to have existed by six collateral testimonies, thus chronologically elucidated by dates founded upon the sure laws of experimental evidence, that we shall attach ourselves in all that remains for remark within the compass of this article. The interest and advantage of the subject, as well as the natural limits of a paper of this description, would indeed prompt, or rather compel, us to take this obvious course.

It is here indeed wherein the merits of Rosellini, whose splendid work constitutes the text of our article, principally lie; and that is another reason why, in consistency, our commentary upon it should address itself to the purpose of bringing his great triumph before the reader. His work, as we have said, is still unfinished; the earlier divisions of it have been slightly noticed; but it is quite evident that their contents, as well as those of the *livraisons* just published, are very little known; had they been known, they would have produced a deeper sensation than they have. We are not about to over-rate Rosellini. It is to the magnificent series of illustrations produced by his skilful and well directed labours, that we are principally referring; his letter-press disquisitions are of far inferior moment; they are obscured and depreciated by the same tedious repetitions of doubtful arguments, or untenable systems, to which we have before referred. Page after page, and chapter after chapter, are devoted with sickening servility, to the same *venata quæstio* of the *Shepherd Kings*, which fills the pages of Spohn, Spinosa, Champollion, Young, Palin, Klaproth, &c., and the whole imitative herd of writers on Egyptian antiquities; and at the end of the discussion the reader is pretty well in the same condition of unsatisfied doubt both as to fact, and as to date, as when he commenced. The reason of this in Rosellini is

obvious. He trips upon the same stumbling block as the rest; the giants which he slays are of his own making; he takes chronological postulates as proved, and builds on that sandy foundation a shewy system, which the first breath of wind is sufficient to overturn. He will not begin with that which we say the subject wants—a universally admitted and indisputable fact.

Take an example. In estimating the era of the founder, and the dates of the reigns, of that magnificent and unmatched line of princes constituting the 18th dynasty of Theban kings, he takes the Samaritan chronology, instead of the Hebrew, as Champollion, and indeed the more acute and cautious Klaproth had previously done, for the basis of his argument. Now the variations between the two chronologies is not less than six hundred and forty years; and when we add to this, that the 18th dynasty itself existed between three and four hundred years, we think we shall have said enough to show the "confusion worse confounded," which must naturally result between arguers who advance such irreconcilable data for the starting points of their argument. No; it is not here that Rosellini's triumph lies. It is not for the harmonious consistency of any theoretical structure which he has erected, but for the inestimable value of the vast and rich variety of materials, which his labours have accumulated, that the learned world, and, indeed, the public generally, but especially the *religious* public, are deeply indebted to Rosellini. With the power of an enchanter, as if he wielded the serpent wand of the very Egyptian hierocracy which he evokes, he brings before us, from the grave, the kings, the heroes, the sages, the legislators, entombed for four thousand years. But no dreamy vagueness is here, like that which hangs round the line of Banquo's exorcised dynasty, or that which half concealed the lineaments of the magnates of the ancient world, which Goëthe's Faust is described as summoning before him. The vision produced by Rosellini, from the sleep of forty centuries, is distinct as the light of day; and the "kings of ancient name," of whom Homer's *cyrens* sung to the man of wisdom—the optimates of the earth's youth—stand before us in garb, in feature, in lineament, in physiognomical expression, as precisely defined as those of any

of modern sovereign. Not only they—but with them come, in equally perspicuous form, their generals, their pontiffs, their priests, their counsellors, all the various splendid appendages of the courts of the ancient Pharaohs. Nor is this all; the consorts of the Pharaohs, and the female aristocracy of their courts—queens, mothers, wives, sisters, princesses—all in the various costume of their graduated ranks; some magnificent in dress, some resplendent in beauty; all marked as portraits, not by difference of feature only, but by difference of physiognomical expression. The expression, indeed, in many of these individuals, is rendered more remarkable by the resemblance which they bear to some of our own female aristocracy. They exhibit the same calm or languishing *bienveillance* of countenance, sometimes trenching on apathy, sometimes approaching to hauteur. But in almost all cases they are characterised by that quality, to which, for want of a better, the term “lady-like” has been applied; by which the idea of a tranquil, self-possessed, and graceful elegance, is meant to be conveyed.

All these personages, characterised and distinguished in the extraordinary manner we have described, are brought by Rosellini’s pencil, after the lapse of forty centuries, in palpable form before us. More especially, the whole of the eighteenth dynasty, to whose consideration we are limiting ourselves, is thus reproduced. Use wears off the edge of wonder; but if the event of this discovery had suddenly taken place, the circumstance by which the youth and old age of the world may be considered as joining hands after a long interval of oblivion, would have startled the discoverer as by a sudden and substantial miracle realised before his eyes. We have not stated, indeed, all that concerns this living exhumation, as it were, of the eighteenth dynasty of Thebes.

There is every probability that the founders of that dynasty were also the founders and originators of the entire framework of social organisation which exists at the present day. It was that dynasty, which, by expelling the Shepherds, may be said to have founded society—superseding the pastoral state of community of goods by the division of land. It was during that dynasty that a tax, on the land thus divided, of 20 per cent. appears to have been first employed for carrying on the

purposes of government. It was by the founders of this dynasty, that a church and state system appears to have been invented and established, supported by universities and monastic colleges of priests, and having convents of Egyptian nuns dedicated to Ammon (the *Palladi*), of whom the wife of one of the founders,—Amense,—appears from Rosellini to have been the chief or abbess, and the unmarried princesses (her daughters) the first nuns. It was towards the close of this dynasty, that the great conquests of Rhamses the Great, or Sesostris, were effected. It was during the existence of the dynasty, that another branch of the great pastoral family, as Josephus admits (the Israelites), were expelled to Palestine. The last of the line were evidently the Danaides,—(Armais, Aken-Cherses and Aken-Cheres, i. e., the son and daughter of Acrisius),—whose expulsion by Rhamses-Belus led to the civilisation of Greece, of Europe, and it may be emphatically said, of this country. The events which we have enumerated are of first-rate importance in the history of the world. Ignorance on the subject of the line of princes who contributed to them, would, indeed, be a lamentable void in human knowledge. That void, we do not hesitate to say, that Rosellini, following certainly the preparatory footsteps of useful predecessors, has all but filled up. He has at all events furnished clue and means for the task of filling it up entirely. We cannot express our opinion of his work more emphatically than by saying that it creates a new page, or rather a *new volume*, in the history of our common species. Let us take a bird's-eye view of the revelation which his work makes, and of the accurate facts which it establishes; and we think it will be readily admitted, that the phrase which we have used is neither exaggerated nor misapplied.

Rosellini scarcely leaves anything vague as respects the historical *personnel* of the magnificent line of sovereigns he brings before us. We have already spoken of his accurate portraiture of themselves, their wives, and daughters; and in some cases of the whole male and female assemblage of a Pharaoh's court. We have next the costume of those personages—not brought before us like that of our old chroniclers, including Froissart, accurate as they are;—but in a more cer-

tain form—*oculis summissa fidelibus*. Much is left to imagination by description—nothing by the sense of sight; *seeing is indeed believing* in this case, according to the spirit of a homely adage, and doubt or discussion on the subject is out of the question. We have next brought before us, in the same unquestionable guise, the domestic amusements—the private occupations—the public equipages—the social materials of splendour or comfort—the religious rites, processions, and pageants—the wars—the sieges—the armour—the forms of battle—the divisions of military rank—the nature of the military force, horse, foot, or chariots—the countries warred upon—the costume and arms of the hostile nations—the navy and naval battles—the triumphant processions consequent upon victory—and the prisoners, the enslaved captives, or the sacrificed victims, and the booty comprised in the produce of the various countries subjugated by the Pharaohs' arms. All these things are detailed, and with that minute precision and in that indisputable form which leaves no matter for question, and which, if it had been capable of being pursued in other cases, would utterly have divorced polemical dispute and commentary from history. The ponderous works of problematical history which now exist, might have been advantageously reduced to a comparatively small compass. Nor is this all; the most minute details connected with the domestic life of the Egyptians, during the reign of these princes—not excepting the games of the children, which strikingly resemble those of the present time, and the sports of the populace, including tight rope dancing, and the soaped pole of our country fairs—are brought before us by Rosellini's work. Here the amusement of the subject—but an amusement never separated from information of the most striking character,—developes its inexhaustible capabilities; and one cannot but feel equal regret and surprise, while contemplating the profusion of entertaining knowledge, as concerns the ancient world, thus palpably brought before us, that a subject so attractive to all classes, including the female and the youthful reader, should have been overlaid and depreciated by the learned mass of nauseating repetition, to which we before referred. We look toward the drawing-rooms of our princes and nobility—and what do we see? Proofs, after four thousand years, of

the unimproved and unimprovable *taste* of the gorgeous line of princes with which society began. Almost all the forms of our furniture, miscalled Greek, are of their invention, with scarcely any modification. Buffets, chairs, tables, sofas, foot-stools, magnificent harps, and musical instruments, start up before us, and all in their richest modern forms. Vases, of gold and silver, of exquisite design, and porcelain, or *Myrrhine* cups of unmatched beauty, load the sideboards and banquet tables of these splendid kings. Several of these cups are evidently made of stained glass, imitating precious stones, and enriched with gold ornaments. Rosellini does not stop even at these royal details, but exhibits earthenware plates, and dishes of less rich materials, resembling the modern; carving knives, with the names of the maker or the owner stamped, as now, upon the blade; and kitchen utensils of every possible description. Among the vases copied by Rosellini, appear some of those denominated Greek and Etruscan — another proof of the manner in which the Egyptians have been plundered of the merit of their inventions. On all sides, indeed, arise the proofs that their colonists, the Greeks, borrowed every thing from them. It has been said that the Greeks improved, by giving elegance to, the sublime forms more especially favoured by the Egyptians. But that allegation is now subverted. A stand was made by some Greek advocates in favour of the greater freedom of Grecian bas-reliefs; but the battle pieces of the Egyptians have driven them from that ground, and proved that they were still the masters and instructors of their Greek colonists. But, at all events, it has been said, by these advocates, that the invention of the Doric style is not Egyptian, but belongs to the Greeks. That last claim, also, Rosellini overthrows, by producing strictly Doric pillars from the ancient porticoes of the tombs at Beni Hassan and elsewhere. Again, specimens of that peculiar ornament employed in the sacred structures, or on the vases of Greece, entitled the Greek scroll, in all its affluent variety, and coloured with exquisite taste, are given by Rosellini in proof of its original Egyptian invention; and it may be worthy of remark, as a curious corollary to this proof of Egyptian invention, that among these scrolls appear some which have hitherto been considered peculiarly Mexican, or at

least Tultcan ; for the basket-plat and mat-work scrolls found in the temples and tombs of Palenque, Mitzlan, and Oaxaca, in central America, are also found in the most ancient tombs in Egypt.

We have been momentarily led aside, to do this justice to Egyptian invention, from completing our view of the minute details of the picture of the Egyptian nation four thousand years ago—sketched indeed by other draughtsmen, but filled up by Rosellini. He exhibits the state of horticulture and agriculture among the Egyptians. He gives us in the same indisputable form the exact mode of planting, watering, and laying out an Egyptian garden. Not content with this, we have reproduced before us illuminated festivals in gardens, accompanied by rope dancing, musical and vocal chorusses, ballets, and other amusements, which show that Vauxhall is by no means a new invention. Next, Rosellini brings before us an Egyptian encyclopædia of natural history, which is not yet finished, but which would seem to embrace the whole circle of the ornithology, the ichthyology, and zoology of the scientific colleges of Thebes.

All the details of hunting, fishing, shooting, and coursing, are among Rosellini's illustrations. Aquatic birds are caught in a curious net, which he exhibits ; game is shot with blunt arrows ; fishes are harpooned, or taken by the angling rod, or the net ; birds, not aquatic, are taken in another curious trap, of which Rosellini displays the model, and which somewhat resembles the principle of the trap now used by schoolboys in catching birds or vermin, a touch of the bait causing the netted cover to fall and confine them. One of the most remarkable things, in the coursing parties, is the number of species of dogs, some of which appear to be lost to us, but some resemble the hounds of the present day. The dogs course in couples with leashes and a keeper, precisely as they do now ; and some, which appear to be pets, have handsome ornamental collars.

Next, Rosellini brings before us the whole array of Egyptian manufactures, arts, and trades. The advantage of the pictorial form of description is here again conspicuously evident. Volumes of written detail would not give us so complete an insight into the Egyptian workshop, laboratory,

or manufactory, as Rosellini's plates. Every process of art and manufacture then known is therein elaborately and minutely laid open. Fish are cured and scaled—poultry trussed. The shops of the Egyptian fishmongers and poulterers, with customers in the act of buying, are also exhibited. The mode of making shoes, of blowing glass, of tanning and staining leather, and the whole business of the linendraper and tailor, are brought before our eyes. We see the potter in the act of making his vases—the turner in the act of modelling his wood—the coachmaker in the act of manufacturing the splendid chariots of the Egyptian aristocracy—the upholsterer going through the details of chair-making, and the formation of couches, footstools, *chiffonniers*, and tables. A very peculiar chisel is employed by the upholsterers for this purpose, the blade forming an oblique angle with the handle. It is employed also in the manufactories of the armourers, for the purpose of smoothing the shafts of the spears, bows, and arrows—and also by the coachmakers; but, generally speaking, the implements in use for the purpose of manufactory in old Thebes—augurs, saws, hammers, squares, compasses, &c.—resemble the same implements employed at the "present day. The whole process of wine-making, from training the vines on trellices, and gathering grapes, to the stage of pressing them in the wine-press, and storing the wine in amphoræ, during and after fermentation, are accurately exhibited; the most minute details, respecting the process of "treading the wine-press," to which reference is so often made in the Hebrew scriptures, are also brought in the same obvious manner before the eye.

All the agricultural processes of ploughing, sowing, and reaping, are also given; and here a single image, in one moment, solves a problem, which has occupied volumes. We refer to the hand-plough, often seen in the hands of Osiris, and probably the origin of the first letter in the alphabet. Our readers will smile when they recollect the voluminous arguments employed by Kircher to demonstrate its mysterious character. Indeed, almost all the writers on Egypt, who have followed him, make unlucky guesses as to its real object. Warburton and others imagine it was used to twist straw bands; some even conceiving that it was the mysterious triangular form



of the legs of the Ibis mystified by Horus Apollo. One page of Rosellini's illustrations settles the question. It is a hand plough; but sometimes it was employed with a yoke of oxen, and then handles and traces are added to it. This department of the subject is rendered more curious by exhibitions of the circular corn-floor, described in scripture, with oxen trampling out the corn from the chaff. The storing of the corn in granaries is exhibited; the mode of grinding it by hand mills into flour (in one case by an Ionian female slave apparently, and of considerable attractions); the ovens for baking it; and the loaves are seen in baskets, as arranged for sale at the bakers' shops, for the banquets of the princes, or for dedication at the temples. Another interesting process of manufacture, as exhibited in these illustrations, may be noticed.

The silk and cotton factories of Egypt are laid open before our eyes. The learned reader will recollect that the cotton manufactures of Egypt were anciently her staple commodities, as they are now of England; that the present pacha is endeavouring to revive them in Egypt: nor is it improbable that the great source of the otherwise unaccountable wealth of Egypt may have resulted, like that of England, from a trade with these products to India, by means of the old canal of the Pharaohs, connecting the Mediterranean with the Indian Ocean; a canal thrice opened—by the Pharaohs, by the Persians, and by the Caliphs—having a large portion of its old circuit still existing, and being possibly capable of a fourth restoration under the auspices of the present pacha. It will likewise be remembered that the Athenians (through whom all European civilisation may partly be said to be derived up to the very period and country in which we write) were a colony of Egyptian weavers, to the details of whose manufactures we are thus so singularly introduced. The entire process of the manufacture—reeling, spinning, carding, weaving, dyeing, is exhibited in all its minute details. It is a singular circumstance that the loom, the shuttle, and the woof, should so strongly resemble the modern; the process of weaving silk, and of imparting the pattern—the woof being exhibited in different stages towards completion, for the evident purpose of conveying the information to the eye—is strikingly like that now in use. It would appear that men and women, as well as boys and girls, were

employed in these factories; but in various departments, just as they are in our's.

We refer the reader, generally, to Rosellini's plates for an arranged and systematic view of the various manufactures and trading processes of Egypt, at the distant period to which we allude. But there are two points to which, in conclusion, we shall reserve to ourselves the right of making a more emphatical reference.

There are many most startling corroborations given by the illustrations of Rosellini to historical passages, resting both on profane and sacred authority. The instances to which we have referred, and with which we shall conclude our summary view of Rosellini's discoveries, are one of each class; and both are comprehended within the splendid chronological interval to which, for the purpose of perspicuous brevity, we have confined ourselves.

In noticing them, we must again remind our readers, that, for the latter purpose we are presuming on a certain degree of knowledge, as to the actual point to which Egyptian discovery has arrived; and for the same especial purpose we shall avoid, as we have avoided, all data which may be considered problematical—all matters which may be deemed paradoxical—adhering only to that which is generally admitted, and escaping from the necessity of loading our pages, and wearying our readers with confused quotations, and fastidious and accumulated references. It will be necessary to arm ourselves with these special proofs, when we grapple with the details of the subject on some future occasion; but it is fortunate, for the sake of any attractive interest it may possess or exhibit, that we are enabled to disencumber this opening and summary paper of all such accessories as would predispose the common reader against passing the thorny precinct of the inquiry, or penetrating its dark and unprepossessing threshold. Our readers, no doubt, are generally familiar with some admitted points of the learned theory respecting the Shepherd Kings;—that they entered Egypt about the time of Abraham,—that they stopped the progress of civilisation begun by Menes—and during five reigns produced and maintained a reaction, both as respected the religion and government of society,

by reverting to the original pastoral form, with which it is probable all society began,—that these pastoral tribes, by whatever title called, whether Titans or Cyclopeans, Anakim or Pelasgians, were expelled by the founder of the eighteenth dynasty; and that they carried with them to all parts of the world whither they wandered, even to Central America, their primeval style of building pyramids, cyclopean walls, dark initiatory subterranean, and rock-built citadels; a style totally different from that of the inscribed temples and palaces which certainly first began with the race of magnificent monarchs which succeeded them, and to which we have limited the inquiry of this article,

The era of their arrival, their predominance and expulsion, may be very fairly inferred, but are by no means fixed. We avoid noticing it, because it is problematical; that which is not problematical is obvious upon every monument connected with the 18th dynasty, by whom they were expelled—that a large part of them were reduced to slavery—that they were at once employed, detested, and ridiculed, as the Helots were by the Spartans. They are trampled upon on the footstools of the kings—they are depicted bound on the soles of the shoes of the common Egyptians; and they are exhibited in the grotesque attitudes or in the nobler form of Caryatides, as supporting the magnificent gold and silver vases of the banquet-tables of the Pharaohs. The common inference is—and it is a fair inference,—from a collation of the Hebrew history with the Egyptian monuments, with several classical authorities, and with Josephus—that it was while the detestation towards the expelled or enslaved shepherds existed, and, therefore, under the sway of the founders of the 18th dynasty who expelled them, that the Jews (admitted by Josephus to be another branch of the same great pastoral nation, and equally attached to patriarchal forms, and opposed to imagery, as the Egyptians were opposed to the former and devoted to the latter) entered Egypt. They entered it as a friendly colony, under the protection of Joseph, then acting, according to the same record, as viceroy or premier to the Pharaoh. Joseph's mode of taxing the land at twenty per cent. for the purposes of government, clearly demonstrates the earliest stage of the foundation of civil society on the wreck

of that community of goods, which it is quite clear, from Aristotle's description of the first republics, was the primitive and barbarous element of social life—and no doubt of the Shepherds, Cyclopeans, or Pelasgians. The scriptural account, supported by classical authorities, and by Josephus, states that after a certain time the Hebrew shepherds, like their predecessors, were made slaves by the Egyptian kings—by what king, again, is problematical. It may be inferred that it was one of a new dynasty, ignorant of, or careless of, the advantages derived from the viziership of Joseph. If that be so, it would be either Sesostris himself, the Sethos, or Sesoösis of the 18th dynasty, or one of the two Rhamses, who intervene between him and Rhamses Me-amon, the great conqueror who closed it. It is a strong corroboration of this inference, and one which has not been noticed, that the Jews before their exodus are recorded to have built a treasure city called Rhamses, spelt exactly in Hebrew as the Rhamses of the monuments is in Phonetic characters. It is not likely that this city should have been built before the reign of the first Rhamses, and therefore the exodus could not have taken place till after some king, named Rhamses, either was reigning or had reigned. But these inferences, as we have said before, are problematical; and we readily quit them, in order to come to matter capable of demonstration. That the Jews were slaves in Egypt is an historical *datum* of the Bible, supported by classical authority. The most recent of Rosellini's illustrations prove it, by ocular evidences, to be the fact. The monumental figures depict them, as making war with the Egyptians; and in one case (Belzoni's tomb) a Jew is portrayed, as representing the Asiatic family of the human race,—certainly not as Dr. Young has imagined, as a slave in the train of Pharaoh-Necho, who lived many centuries after the now proved tenant of Belzoni's Tomb. But Rosellini's last illustrations depict Jews, as the slaves of the Egyptians. He brings before us groups of individuals, upon whom no one that glances can avoid instantly saying "*Those are Jews.*" They are represented under the eye of an Egyptian task-master, who is seated with a goad in his hand, superintending their toils. The same task-master, with the same emblem of slavery, is again repre-

sented, in other places, controlling the labours of other slaves, who are working, like the negroes of the present day, in gangs in the task of cultivation.

But the Jews are not only represented by Rosellini as slaves, and that on the contemporary monuments of the kings who enslaved them—but they are exhibited performing the very acts, and employed in the very occupations, described by the Hebrew historian. They are gathering straw, they are making bricks, and conveying them when made to the buildings of the city where they are to be used. The shape of these bricks is extraordinary. They are the identical bricks, resembling the Roman, which are found at the present day as constituents in ancient Egyptian walls.

The other subject, which we have selected as our second example, is one of classical interest, and deduced from profane history. It is calculated, like the former instance, to demonstrate the advantages derivable from recent Egyptian discovery, by indicating the strong light of corroborative testimony which it may be made capable of throwing on doubtful, problematical, or imperfect, passages of history. We shall be brief in referring to the historical passage in question; because the space we have already occupied warns us that we are approaching the natural limitation of an opening inquiry; and because, according to the design we sketched in commencing the article, it will be requisite to complete it with a brief statement of what remains to be accomplished in the walk of Egyptian discovery, and with a few equally brief hints as to the legitimate means to be employed in pursuing or effecting that purpose.

Our readers are, doubtless, familiar with the commonly received statement of the wars and conquests of the great Sesostris, as supplied by Herodotus, Diodorus Siculus, and other classical writers. That he was the Sesoösis who terminated the eighteenth or commenced the nineteenth dynasty, can scarcely be doubted. The name Sesostris, or Sesoösis, does not appear in the Phonetic ovals, on the monumental tablets to which we have referred; but we have the evidence of Tacitus, that the priests, in reply to questions of Germanicus, called him Rhamses—under which designation he does

appear on the monuments of Egypt, and in a considerable variety of localities. From the same statement, supported by others, it would appear that his conquests were of so paramount a character as to absorb into his own great reputation, or to eclipse, the minor victories of some two or three of his predecessors.

Those minor victories, indeed, are proved and detailed by discoveries in Egypt; but the common impression derived from historical authorities—that there was no Egyptian monarch, but one, capable of executing the magnificent and ambitious design of conquering, and uniting under his own government, the whole world, by means of an organised expedition by sea and land—and that he was the great Sesostriis—may be still admitted, as a general proposition, to be correct. Wars of a more limited character, it is now discovered, were conducted by Amenophis, the celebrated Memnon—now proved phonetically to be represented by the seated Colossus of the Theban plain. Wars of a more extensive character, and victories of a more brilliant description than the last, were, it is also proved, conducted, and won, by Rhamses-Me-amon, fourth predecessor of Rhamses-Sesostriis. His palace, the well-known Memnonium, very justly converted by Champollion into the more correct designation of Rhamseion, still bears evidence of the fact—in the most minute details of his battles, sieges, victories, and triumphs. The wars and conquests ascribed to him (probably under his titular name of Ismendes) cannot have escaped the recollection of the most ordinary readers of antiquarian history; nor the Sicilian historian's accurate detail of the series of courts, porticoes, and saloons, of the palace, on the walls of which they were recorded. *En passant*, we may briefly say, that almost every syllable of the Sicilian historian's description has been proved by recent Egyptian discovery, applied to a survey of the extant remains of the palace. The fidelity of the details is indeed most singular, and highly honourable to the good faith of Diodorus Siculus. The wars and conquests of the great Sesostriis (Rhamses III.) are recorded on the colossal gateways, the sculptured porticoes, and magnificent peristyles of Luxore. But their delineation is repeated, or perhaps we should be technically correct

in saying, copies of their sculptured description appear, in many other places, at Ipsambul, Seboo, Derri, and other troglodyte palaces or temples, in Upper Egypt and Nubia, almost as far as Meroe, the reputed source of ancient civilisation.

The walls of Luxore demonstrate, beyond question, that the wars of the great Sesostris were carried on by sea and land. All the details of his military and naval armaments are there supplied with the precision of a sculptured *bulletin*. All the circumstances of the above wars and conquests appear to have been systematically recorded, in a series of grand historical pictures, on the walls of the palace; in which pictures the united efficacy of sculpture, painting, and the symbolic language, is employed, to condense and vivify the narrative of the conqueror's campaigns. Of these historical pictures Champollion, in his recent work, "*Lettres écrites d'Égypte*," gives a minute description, in the most attractive form which could be employed for drawing and fixing the attention. To that description we shall generally refer our readers. It will be sufficient to say that it bears out the historical allegation of the extent and nature of the conquests of the great Sesostris; and adds much information, on the subject, of which history furnishes no account. But it is to an individual point of the historical narrative to which we are about to address and confine ourselves on this occasion,—the dispute as to the remote countries of the world, which Sesostris is alleged to have visited.

It is a well known historical tradition, that Sesostris reached India; and it is proved from the monuments, that Egyptian expeditions were theologically supposed to be led by the chief god Ammon, or Osiris; whose gigantic standard was borne upon wheeled cars, or upon the shoulders of some sixty men in the van of the army—and was always planted where new conquests were achieved. The historical association of this expedition, with that of Osiris-Bacchus into India, is thus fairly made out; but questions have been repeatedly started among learned men, whether or not Sesostris really did reach India; whether he reached the pillars of Hercules; whether he reached and planted a colony, as alleged, on the eastern shores of the Euxine at Colchis; or whether, after all, his assumed conquests

might not have been confined to some parts of central or northern Africa and the sea coast of Syria.

Certain materials, for forming a correct judgment upon these disputed points, are now supplied by the last-published illustrations of Rosellini. In the triumphant procession, pictured in the historical tablets referred to, as terminating the series of the exploits and conquests of Sesostriis, and embellishing on his return, the record of his "crowning victory" (and here, by the way, we may say that both the triumphal arches and processions of Rome are traceable to Egypt), appear, as in the Roman triumphs, the spoils of the conquered countries. In the Egyptian instance, as well as in the cognate Roman example, the spoils were systematically selected for the double object—of augmenting the *coup théâtrique* of the pageantry, and of expressing the peculiar geography and character of the conquered city or country, by the peculiarity of its products, natural or artificial, which were ostentatiously displayed during the intervals of the "long pomp" of the triumph. Now among these *opima spolia*, exhibited in the triumph of Sesostriis, are the visible and palpable evidences of the extent of his victories, and of the geography of the countries which he conquered. They prove beyond a question the wide range of his ambitious march. The cameleopard of central Africa is among the spoils; the gold dust and ebony of the Gold coast are also among them; but still more remarkable is the proof that India was really reached by this conqueror. The Indian elephant—we believe the only portrait of an elephant to be found among the Egyptian sculptures, attended by his native keeper, accompanies the procession. Tusks of ivory, perhaps, from the same division of the world, are also borne in the procession; and the evidence is reinforced by the appearance of the baboons and parrots of India—appearing for the first time either in that procession or in proved cotemporary monuments. Nay, more, the Indian ox is among the exhibited animals—the sacred bull of Bramah, with the hump upon his back, and totally different from the bulls and oxen of the Egyptian monuments, which entirely resemble our's. Then follow lions, tigers, leopards, and animals—the zoological type of which appears to have been lost—in further corroboration of



the extent of the conquests of Sesostris. And one imaginary animal is added to the series, *viz.*, a griffin—the well known symbol of hyperborean regions, and of the mountain ranges of northern Scythia, which the sculptured bulletin, either truly or falsely, seems thus to vaunt among the other conquests of the victor. But there is a less imaginary evidence that the march of the conqueror did penetrate, at least, into the region of southern Russia—and possibly through Colchis, one of the latest conquests made by modern Russia. The evidence exists in the appearance of a well known hyperborean animal among the zoological curiosities of the triumph—an animal peculiar to cold and northern regions—we mean the bear. Let us add to this most singular revelation of disinterred history the hieroglyphical corroboration supplied by the last ingenious labours of Champollion. The people against whom the warlike, or perhaps theological, hatred of Sesostris was provoked, —against whom the ultimate object of the whole series of conquests seems to be directed, are called in the hieroglyphical inscriptions—what?—Scythians and Muscovites!!—for we apprehend that there can be no question that the Scheti who are always termed the accursed race in the inscriptions, and the “plague spot of the earth,” were the Scythians, always hated or dreaded in ancient times as they are now—on account of their tendency to quit their inhospitable icebergs, and press down on the more luxurious seats of southern civilisation. If the “Scheti” are the Scythians, the Chitti of the scriptures, and perhaps the Catti of classical history, as there is every reason for inferring, undoubtedly the “Moschauscht,” who are associated with them on the monuments, are the ancestors of the modern Russians—the well-known name of their national founder being Mosck, whence, with no *radical* alteration, the names of Moscow, Moscau, and Muscovy, appear to be derived. Many corroborative proofs from classical history might be brought to demonstrate this identity; but the learned reader is fully acquainted with them; and there is no occasion to “gild refined gold,” or “paint the violet” by supererogatory argument. Must we, then, infer that the first great conqueror in the world’s youth on record—Sesostris—and the last—the echoes of whose exploits are still ringing

in our ears—Napoleon—were both employed upon the same object—in protecting southern civilisation against the darkness of northern barbarism, and driving back the Scythian hordes within the natural limits of their barren steppes, their frowning icebergs, and regions of eternal snow? It is, at all events, a sublime association—it may be a sublime vision—it may appear too sanguine, or too enthusiastic, to indulge it; but the zoological details of the triumph of Sesostris, drive us to inferences not far short of this position; and, at all events, prove, beyond a doubt, the questioned allegation of the vast extent of his conquests. We may add that, without this zoological proof, that extent of conquest would be collaterally demonstrated by the physiognomical variety, as well as the distinguishing costumes, of the conquered nations—from the tattooed and skin-clothed Hyperborean, to the bearded Muscovite, the draperied Persian and Chaldean, the mitred Bactrian of the Persepolitan monuments, the *undegraded* Negro, and the well ascertained Jew. Some of the conquered nations are in a state of civilisation—not less high, perhaps even higher, than the Egyptian. So we should infer, from their elevated physiognomy, their tasteful costume, and their complete armour, portions of which resemble the horned helmet of our Saxon ancestors, while other portions as singularly resemble the ringed or plated hauberk of the Normans. We may add one word on the subject of the numerous portraits, painted or sculptured, of the great conqueror himself. Rosellini gives several of these portraits;—wherever they are found, they concur in physiognomical expression, as well in the nicer, as in the coarser details of facial delineation. They have been said to resemble the heroic character of Napoleon's profile; which they certainly do: but there is one portrait exhibited by Rosellini, of Sesostris in his youth, which unites the calm *beau idéal* of Napoleon's expression, with the fiery vigilance and predominant intelligence of Alexander. The features of the young Egyptian conqueror combine a godlike sublimity with physical beauty; the head-dress is most tasteful, and the horn of Ammon—which he wears as Rhamses, "*beloved of Ammon*," and as his viceroy, conquering, as Alexander professed to do, in his name,

—is so gracefully disposed in this portrait, and so unlike the usual stiff Egyptian head-dress, that we suspect that some of the medals of Alexander, also his avowed emulator, and (professedly the *beloved son of Ammon*), with the same Ammonian horn, may have been borrowed from it.

We have left ourselves but little space for our concluding hint and recommendation. But we are not sorry for it; partly because we may be induced at some future time to resume the subject with a stricter regard to its details; partly because our remaining limit compels us to a brevity always advantageous to this inquiry. We have shown that there is good reason to infer that we have already discovered sculptured fragments of the Hermaic tablets, from which Manetho professes to have derived his history. The discovery of the remaining portion of the sculptured narrative is one of the chief *desiderata* of Egyptian inquiry; and there appears to us to be good hope that the discovery may be made, by continuing the unwearied researches of scientific travellers at the clearly indicated spot—“the winding *subterraneans* of the Thebaid, near the statue of “Memnon.” If Manetho be correct in his description of these Hermaic books, the discovery would supply us with all that is now requisite, or desirable to be known, both as to matters of date and matters of fact; not only as respects the origin, of society, but as respects the origin, progress, vicissitudes, and, inferentially, perhaps the destinies of the entire human race. The discovery would, in itself, constitute an era—it would create a new book of Genesis, in which the profane history might be compared with the sacred. Moreover, the discovery would fill up all the paradoxical or doubtful voids of cotemporary profane history, down to that period (770 B.C.) when doubt no longer exists, and where the full light of corroborative evidence and authenticated chronology is poured upon every province. To effect this object, what are our materials, and how are they to be perfected or improved? We possess an instrument which, if not complete, is capable of being made so. We possess, beyond all question, one of the two keys to the dark chamber of hieroglyphical knowledge, of which Clemens Alexandrinus records the ancient existence. We possess a knowledge of the Phonetic alphabet, which, though slightly im-

perfect in some details, is fully adequate, under all circumstances, to the interpretation of proper names. On the demotic character, for the reason stated before, we need not burden our reader with any complicated remarks. The Phonetic and symbolic character united constituted the hieroglyphical language of the monumental inscriptions. We have already materials for the construction of a symbolical dictionary. We have ascertained sufficiently, by the process of correlative testimony, and by the unfailing aid of the deciphering art, the meaning of a large number of symbols. We have ascertained those meanings to such an extent, that inscriptions on the obelisks can be read; and with so much the more certainty, as that one obeliscar inscription thus read, concurs in meaning with that assigned to it by an ancient author (Hermapion), who professes to its interpretation. All that is necessary, therefore, is to adhere to this logical process of interpretation; to admit nothing but what is experimentally or corroboratively proved; to eschew all visionary speculations like the *universal alphabetic system*, which led Champollion into his last inextricable maze of contradiction and hopeless doubt; and to go on slowly, cautiously, and steadily, with the task of completing the symbolic dictionary to which we have referred—by adding to the number of the symbols whose meaning has been ascertained or proved. The first conquest having been achieved, labour now is more necessary than ingenuity. The door of mystery is open; the key to the “*treasures of secret places*,” is in our hands. Nothing more is required than to press forward, without turning to the right or to the left, without being diverted from our path to the *Adytum*, by forms of delusive attraction on the one hand, or by the shadows of chimerical alarm on the other—in the spirit of the poet’s description of our common earthly pilgrimage,—

To hold straight on with constant eye and hand,  
Still fixed upon the everlasting goal.

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## ARTICLE VIII.

*Scenes and Characteristics of Hindostan, &c., &c.* By Miss EMMA ROBERTS. 3 Vols. London.

To all who hold the due and suitable administration of an empire, containing nearly an hundred millions of inhabitants, to be a sacred duty, every effort which is made to bring the dominant people better acquainted with their fellow subjects must appear highly praise-worthy and commendable. We insist that not only is it highly important in a prudential and self-interested point of view, but most essential to the ends of common justice and humanity, that the people of these realms should know well, and, so far as may be practicable, be taught to sympathise with, *all* their brethren of India.

With those, who maintain that the possession of this magnificent empire—"the richest jewel in the English crown," as it has often been justly termed—is not merely a matter of indifference but a source of loss, it appears to us that it were waste of time and pains to argue. To the reflecting portion of this nation, who hold the extension of commerce and manufactures to be in some degree connected with its prosperity—who can appreciate the value of an export trade of seven or eight millions a year, the advantage of an extensive field of adventure for our youth, and the employment of many thousand tons of shipping and a multitude of sailors—to them we confidently appeal, and ask, whether the preservation of our Indian empire, and a zealous improvement of its resources, can be otherwise than important to the maintenance of our national greatness and prosperity?

It will be evident, we conceive, to every thinking man, who has paid the smallest attention to the subject, that India—whatever may have been the case in ancient times—from the first of our connection with it, has never been, and cannot by possibility for a long time be, in a situation to trade as an *independent* nation with England, upon terms that could be mutually beneficial—terms that could confer on each country the advantages they derive from the existing commerce. Were the wide realms of India in the hands of one

or more independent native sovereigns, ruling on principles of justice, and moderation, and liberality—were protection afforded equally to all ranks, and were person and property perfectly secure—were the immense resources of the country thus developed—were the riches of its people in a fair way of being increased, and their industry stimulated by a free intercourse with the more civilised nations of the West—were these sovereigns and that population bound to Great Britain by the ties of gratitude for benefits conferred—then indeed might we congratulate ourselves upon the prospect of securing all the advantages of a vast commercial field for speculation and adventure, without the expense of maintaining a civil and military establishment in the country and a costly machine of government at home. But when can we hope for such a state of things? India has ever been the scene of intestine war, or the prey of foreign conquest. Until the progress of knowledge shall have worked a total change in the character of her people, and a systematic course of judicious measures, on the part of her present rulers, shall have prepared them for self-government, by gradually withdrawing the exclusive frame-work of European functionaries which now sustains the body politic—until this process shall have been completed, every one must see that to withdraw from the position we now occupy, as rulers of India, would be to leave the ship in the midst of the storm without commander or crew—to deprive the people of every blessing they now enjoy—and to deliver them over to a state of anarchy and disorganization, far more disastrous than that from which they had been temporarily snatched by our interference.

It is a solemn duty upon Great Britain to protect India, the child of her adoption, from such a fate, by preparing her for that future independence which will be her undoubted right, when the lapse of time shall have matured her strength, and fitted her for quitting the parental protection. That towards such maturity she is gradually progressing, no one, who regards the signs of the times, can doubt; and to seek to retard this progress were as vain as it would be criminal. Let such narrow and unworthy principles of legislation be far from the English people and government. Let us look forward to the period when the adult state, no longer re-

quiring our aid, nor brooking our control, shall claim its birthright; and let us endeavour, by a system of liberality and kindness now, to bind the young and vigorous nation by the ties of gratitude and good-will, where those of force would assuredly fail; and, instead of nursing up a formidable enemy, secure for ourselves, while there is yet time, a zealous future friend.

With this view, we would strenuously recommend the adoption of every means for promoting a frequent, rapid, unrestrained, and kindly intercourse, between this country and India. The Red Sea steam navigation, the Egyptian rail-road, the Euphrates steam expedition, that by steam round the Cape of Good Hope, all are good, and we heartily wish them success.—They are all so many pledges of the growing interest which Great Britain takes in India. It is in this spirit that we greet with sincere good-will the work before us, in which Miss Roberts, in a very lively and amusing manner presents to the English reader a series of “Sketches and Characteristics of Hindostan,” which we think cannot fail to do their part in promoting the good work.

But there is another point of view in which every attempt at portraying the manners and customs of a nation is eminently interesting. In the moral, as in the physical world, there is a principle of progressive mutation which is ever at work; and not only do nations, like the beings that compose them, rise, and wax, and wane, but the customs and manners of the people, like the organs of the human body, are undergoing a never ceasing, though gradual, course of renovation and decay.

To the philosophical observer of mankind the progress of manners and customs is not less interesting than the history of nations; and we consider every effort to “catch the manners living as they rise,” as eminently entitled to favour and encouragement. It is this which, independently of every other excellence, stamps such an imperishable value on many of the plays of Shakspeare and Johnson—on the novels of Scott, of Fielding, and of Smollett. Their works are as milestones on the great highway of life, marking the gradual progress of their species towards improvement, and enabling those who come after to look back to each particular era of the past, and to compare it with the present.

To consider India as a nation “ unchangeable, unchanged,” in manners, and customs, and prejudices, has been a common, but a great, mistake. It is true that its peculiar institutions, and the division of its people into casts, have served to maintain, for many ages, a semblance of mysterious immutability in its moral and religious usages, which has deceived superficial observers ; and the error has been strengthened by the glimpses which such scraps of historic lore as remain, have given of its earlier history. If sufficient information on the subject could be procured, a more minute and attentive inquiry would not fail, we are persuaded, to detect a great alteration from the state of things in early ages, even in those very points which we believe to have been least affected by change. With as much truth, for instance, might it be affirmed that the Roman Catholic Religion, as now professed in Rome or Spain, or the worship of the Greek church, as observed throughout Russia, is the same, in spirit and in ritual, with the faith which was preached by the Apostles, as that the gross impositions and horrid rites of the Braminical superstition, practised at this day at Juggernaut, or Saugur, or Binderabund, or Prayague, represent the pure deism, which we believe to have been the original religion of the Shasters ;—as well might it be asserted that the Roman, and the Saxon, and the Norman, conquests had left unchanged the manners of the British nation, as that the successive Mahometan invasions, which have swept over India, from that of Mahmood Ghiznavi down to that of Baber, have effected no change in the character or condition of its inhabitants.

It is, however, true that the changes of former ages were slight, and slowly progressive, compared with those of modern days. It was the policy of the Mahometan conquerors rather to conciliate, and gradually to amalgamate with the conquered, than to force their new subjects into a hollow conformity with their own religion and manners. The native princes were treated with consideration and respect. The machine of government was constructed and carried on with a due admixture of native and foreign materials. Native officers were appointed to places of trust and confidence ; and so sensible of the importance of this policy were the wisest of the



Mogul emperors, that some of them sought to strengthen their hands even by matrimonial alliances with the highest of the Hindoo princes. Their endeavours seem to have been directed rather to the prevention, than the promotion of change; and accordingly, the course of change was retarded.

The policy or practice of Great Britain has been, in most respects, essentially different; and from this cause, it is in our own day that the greatest and most important revolutions, in manners and in feeling, have occurred. The measures pursued by the English government (arising partly, no doubt, from circumstances which were not to be foreseen or controlled), have led to the subversion, or virtual subjugation, of every native power in India—to the substitution of foreigners for natives, in all situations of trust and honourable emolument—and to an almost entire segregation of the conquerors from the conquered. The sole tie which binds them to each other, besides the force of power, is the respect and confidence inspired by integrity of character, national as well as individual—the impartial distribution of justice—and the universal and efficient protection extended to all ranks of men. The general demeanour of our countrymen, to the natives of India, has scarcely, we fear, been such as to add the motive of affection to those of fear and respect; and yet there have been some bright examples of a contrary description, the success of which might have disposed others to adopt a similar mode of obtaining so desirable an influence—but such, as yet, has not been much the case. Miss Roberts has many sensible observations on this point, the importance of which she appears to have fully appreciated.

“Want of urbanity, a too common trait in the English character, will, it is to be feared, retard the good understanding which ought to exist between natives of rank and the servants of their foreign rulers; but there can be little doubt that our retaining the possession of India will mainly depend upon the conciliation of a class of persons whom it appears to have hitherto been the policy to depress and neglect, if not to insult. Natives of rank, property, and influence, must speedily acquire a knowledge of their position and of their strength: and unless they should obtain the respect, consideration, and importance, which seem so justly their due, it can scarcely be expected that they will continue to give their support to a government whose servants are resolutely opposed to their interests.

“Hitherto there has been little to tempt them into private society; with very few exceptions, anglo-Indian residents have been indisposed to impart or receive information from natives: they have taken little pains to instruct them

upon the subject of modes and manners, which must have struck them as being odd and unaccountable, or to inspire them with respect by the display of superior mental powers."—(p. 86.)

Miss Roberts suggests some excuses for this deficiency of courtesy and disposition to conciliation, which savour more of good nature than sound reasoning; and then goes on to observe, that—

"It is highly honourable to the British character, that, in spite of its want of urbanity, and the little personal affection which it creates, its uprightness and steadiness have secured the fidelity of immense multitudes bound to a foreign government, by the equal distribution of justice and security of property. It is unfortunate that we cannot unite the more endearing qualities with the moral excellencies for which we are distinguished: but as the aspect of affairs is altering in India, we shall do well to consult the signs of the times, and remedy those defects which we have found in our system before it be too late."—(Vol. III., p. 90.)

That the natives, with their quick discernment and acute feelings, are sensible of the slights they meet with from Europeans, no one who has mingled with them can doubt; although, with a command of temper and countenance, the result of education and habit, as well as of native courtesy, they seldom permit the feeling to appear. But their sense of insult has often been fatally evinced; and Miss Roberts, in an extract from a Dehlee Ukbar, gives an amusing instance of the light in which such rudeness is regarded by them.

"The government," says the native writer, "has manifested singular want of sense in appointing Mr. — to be — at —. The man is a capacious blockhead, and very hot tempered; he can do no business himself, yet he has the extreme folly to be angry when abler persons wish to do it for him. When the most respectable Hindostanee gentlemen waited on him yesterday, he just stood up, half-dressed, when they salaamed, and said, 'Well, what do you want?'—and when they answered, 'Only to pay our respects'—he growled out 'Jow!' (go)."—(p. 189.)

Yet, that individuals have succeeded in gaining not only the respect, but the love, of the natives, is equally certain; and to the names of "Mr. Hastings, Sir John Malcolm, Colonel Tod, Sir Thomas Monro, and Mr. Elphinstone," particularly mentioned by Miss Roberts, might be added a long list of persons who were adored by the natives—many of them of high rank; and among these, it would be strange to omit Bishop Heber, and the excellent Mr. Seton. These, with one exception, have all gone to their long account; but their names live in Hindostan, embalmed by many a kind and gracious

deed, and will remain an ornament and honour to their country, perchance when its rule in India may have ceased.

It is remarkable that, in spite of the discrepancy of feeling which assuredly exists between the English and their native subjects, such is the power of moral example, that notwithstanding the indifference observable in regard to ameliorating the native character and manners, a greater and more important progress has been made, towards a better state of things, in the short period of the English reign, than during long preceding ages. Brief as is the page which tells of British conquest in India, it yields to none in the eventful history of that country in point of interest and importance; and in these days of change and innovation, who shall venture to predict what the result may be—nay who shall say what a year or a month may bring forth? We are disposed to believe that the efforts which are now making, for the improvement of the condition of the natives in general, and the more liberal policy which has been adopted towards the higher classes in particular—the plan, in short, of elevating those, who were little better than slaves, to the rank of friends and equals, and of securing their gratitude and fidelity by kindness and confidence—if conducted with due prudence, will tend to render our position in India more secure than hitherto, and her resources more available for the benefit of both countries. Still, that a great change is in rapid progress who, that watches the course of events, can deny?—That the revolution which commenced with the first permanent establishment of English power in Calcutta—which was accelerated and promoted by the brilliant events of the administrations of Lords Wellesley and Hastings—and which has been fast progressing under the liberal policy of the late administration—must sooner or later affect every rank and condition of our Indian subjects, it were worse than presumption to doubt: and it is a moral process which must turn to good or to evil, precisely as it shall be wisely or rashly directed.

It is not our object, or intention, in these cursory remarks, to inquire into the expediency of every measure which may have been adopted with regard to India of late—and still less to sit in judgment on the manner of carrying these measures into effect. All we desire is, to impress upon our readers the fact that such a

change is in progress, and that there is a necessity for preparing to meet it. In the meantime, to the public, who, whatever they may think of the matter, are really interested, and who therefore should make themselves acquainted with the subject, we should strongly urge the expediency of encouraging and reading those works which describe the country, and afford the means of watching the changes that occur.

For ourselves, we readily confess the intense interest with which we follow the wonderful career of British influence, and British arms, in India—from the hour when the first handfull of adventurous merchants set foot upon the shore of that land, which was destined to witness the rise of their fame to a level with that of the greatest conquerors and legislators of history. Who indeed can reflect, without emotion, on that most striking dispensation of providence, by which the destinies of so many millions of human beings have been wrested from the hands of their natural rulers, and consigned to the charge of a few strangers? That the event has been ordered for wise purposes we cannot doubt; and we trust that much good to our fellow subjects, resulting from the inevitable and impending changes, may be visible even in our own day. Meantime, we do confess that it is not without a feeling of something like regret, that we mark the gradual decay of that romantic charm of grandeur, which mystery and remoteness, not less than the casual glimpses that were caught of the magnificent reality, shed of old over the wide region of India. Of the splendid galaxy of native princes, which studded the whole land but fourscore years ago, scarcely one retains his place, or shines with his original lustre. The glory is indeed departed from them, and their places know them no more. They were semi-barbarous, it may be, and oftentimes oppressors, who brought destruction on their own heads:—but they were splendid pageants; and it is sad to think that all have passed away—and that in Hindostan there does not remain a single court, which exhibits in its primitive originality the gorgeous pomp and riches of former days.

Nor is the extinction of that peculiar interest, which attached to Indian objects, confined to courts and princes. There was a time when every city of that country was associated with some recollection of a classic character—when Benares, and

Lucnow, and Dehlee, and Agra, and Muttra, were regarded, by the young, as places rather belonging to fairy-land than to any spot of mother earth. Even the more truthful and sober tales about the Great Mogul, and his splendid Omrahs—of wealthy nabobs, and glorious tiger hunts—of widows burning, and human sacrifices, and stern ascetics reposing on beds of sharpened nails—even the stories of the traveller, maintained with little diminution the interest which hung around the scenes of such wonders; or rather enhanced it, by impressing the ripening comprehension with ideas approaching nearer to the bounds of probability. Nor was the illusion entirely dissipated, when the places themselves were laid open, by conquest, to the view of the first fortunate adventurers. There was enough to engage the imagination and delight the eye; and there were the *vestiges* of riches and grandeur—if not the things themselves.

So limited, at first, was the number of Europeans who reached those remote localities, that of necessity as well as from a love of romance and singularity, they rather took than gave the tone of the society in which they mixed, and which, at that time, consisted much of natives of high rank; and there was an excitement in this novel mode of life, which with the influence they enjoyed, and the court which was paid to them, not only reconciled them to all privations, but made the change of habits fascinating and delightful. But as time rolled on, and brought with it further acquisitions, and the number of civil and military residents at stations, once remote, became increased, the zest of novelty wore off, and with it flew romance: to have seen Agra or Dehlee ceased to be a wonder, or to confer importance, when the road was open to all. The natives of rank, neglected by the new comers, retired by degrees, or died off; and their successors, discouraged and disgusted, perhaps impoverished by the change of circumstances, shrunk from observation, or from what they might consider as insult. The separation, which now every where exists between the Native and European inhabitants, was at length complete; and the scene of so much interest and excitement dwindled down into a mere Moofussil station.

There is something painful in all this. It is like demolishing a splendid, well-built, castle in the air—the discovery,

by vulgar eyes, of some cherished treasure—the loss of some long enjoyed right of privacy—the intrusion of profane feet upon some hitherto sacred retreat. It jars upon the feelings. Who that had known the venerable capital of the Mogul empire—grand even in its ruins—when first snatched from the grasp of plunderers and robbers, and witnessed the respect which true delicacy maintained towards the fallen descendant of the blood of Timour—and who that had mingled among the remnants of that once brilliant court, while the ravages of the Mahrattas were yet visible upon the walls of the palace, could see unmoved the total decay of these observances, and the complete annihilation, even of the shadow of splendour that had still remained?—Who of the band of youths and veterans, that fought at the battles of Dehlee and Laswarree, would have dreamt of seeing the grandson of the blind Shah Allum riding through the Chaudny Chouk in the full dress uniform of a British general officer, and his brother, whom they might remember an infant, driving his wife along the streets in an English built chariot?—*Afsos! afsos! alas, alas!* the charm is indeed broken—the glory has indeed departed!

Although Miss Roberts's sketches possess, as we think, sufficient interest in themselves to command attention and attain popularity, we conceive that one principal part of their value consists in marking, as they serve in some degree to do, one stage of the transition which we have attempted to explain; for there is scarcely a single chapter descriptive of manners and society in which its symptoms may not be discerned. The work, which is in three volumes, does not assume the shape of a continuous narrative or journal; but consists of a certain number of chapters, each of which is devoted to one particular subject unconnected with the rest, and not placed in any sort of regular order. We learn indeed, from the few words prefixed by way of introduction to the first volume, that these chapters had already appeared in the *Asiatic Journal*; from which, in consequence of the favourable reception they had experienced, they were republished, nearly in their original form. This form has, no doubt, its advantages; but it has also some disadvantages. It admits of roving freely from one subject of interest to another, unfettered by the dull connecting

detail which a narrative might involve; but, on the other hand, it is obvious that the composition of a series of separate and desultory papers, upon subjects and scenery often of a similar character, must of necessity lead to a considerable sameness of description and repetition of imagery, which, in a continuous narrative, care would, no doubt, have been taken to avoid. If too, where we have found so much to admire, we were inclined to be critically severe, we should say that Miss Roberts is generally too ambitious of effect; her style is frequently over-laboured, and fails, from excess of effort, in making the impression which greater simplicity would more surely have produced. In general, however, these sketches are lively and vivid, and contain, occasionally, passages of powerful interest and poetic feeling. The descriptions of natural scenery, and the relics of fallen greatness, are given with much fine colouring and force; while lighter subjects are touched with a corresponding playfulness and good humour, which often makes very excellent mirth out of trifles which many writers would scarcely have thought worthy of their pens. Thus, none but a lady would have dreamt of spinning a chapter out of "shops and shopping" in India; and none but a clever one could have made anything of it. Feminine employments might, in some countries, have afforded a fertile subject to descant upon; but in the land of heat and listlessness, where ladies are supposed to be lying all day upon their sofas under the Punkah, and languidly calling to an attendant to "turn their head," or "draw in their arm," who would imagine there was a good sketch to be made out of such materials? "Bengal Bridals" is doubtless a more attractive subject; but their consequences, in the shape of "Baba-logue," or children, and all the nursery arrangements, if we might judge from the exclusive measures generally adopted towards the little creatures here, and the common sarcasms directed against infantine exhibitions after dinner, does not sound altogether so promising; yet out of such stuff, among many graver matters, has our fair authoress contrived to weave a very pretty fabric.

The first chapter, entitled "Calcutta," introduces us to that city by the proper entrance from seaward, Champaul ghât, which, within the last dozen of years or so, has assumed a new

and handsome aspect, under the care of a committee for improving the capital, and which now affords a suitable means of approach to the "City of Palaces." The chapter is devoted to a description of the peculiarities in houses, manners, servants, and equipages, which are apt to strike a new comer; and many of these are portrayed with freshness and effect. In speaking of the interior of the houses, of which Miss Roberts admits the furniture to be handsome, though scanty, to an English eye, she remarks that—

"Every side of every apartment is pierced with doors, and the whole of the surrounding antechambers appear to be peopled with ghosts. Servants clad in flowing white garments glide about with noiseless feet in all directions; and it is very long before people accustomed to solitude and privacy in their own apartments, can become reconciled to the multitude of domestics who think themselves privileged to roam all over the house."—(Vol. I, p. 8.)

But we are somewhat surprised at the disappointment expressed by the fair authoress at the appearance, in her eyes, of the Indian equipages. Doubtless, upon a public drive, where vehicles of all descriptions are indiscriminately admitted, many old and rickety machines will be seen, and certainly the show will not be so choice as that which figures in Hyde Park. But the course of Calcutta must be sadly changed indeed, and have sympathised exceedingly with the clipping and paring system, if it does not exhibit abundance of equipages, which, due allowance being made for fashions, caused by climate and other local peculiarities, would bear comparison with the majority of those which figure in the "ring" itself. It is true that the hammer-cloth, that gorgeous appendage of state, is little used in India; nor are huge capacious coaches, drawn by horses of great size and blood, to be seen on the course of Calcutta. The breeds of Indian horses, as well as the beautiful Arabs, so much in request, are of a smaller cast than those in use at home; and lightness and airiness are studied, rather than great capacity or warmth, in the vehicles they have to draw. But we do think that Miss Roberts, in her remarks upon Indian equipages, has suffered her home recollections to get the better of her usual impartiality and accuracy of observation.

The next subject—"Bridals and Bridal Candidates," follows, with most tempting closeness, upon the chapter of arrival. But Miss Roberts's account of these matters is not altogether encouraging to the hopes of such fair aspirants as may have



visited India with matrimonial projects. "The golden age," as she remarks, "has indeed passed away in India—the silver fruitage of the rupee-tree has been plucked—and love, poverty-stricken, has nothing left to offer but his roses." Alas! the change we have spoken of has been hard at work in the dominions of the Eastern Hymen; and the wings of Cupid have, we fear, received an unlucky snip from those same clipping shears of which the two services have complained so grievously of late. Still youthful hearts will love, in spite of Malthus, and the hard-hearted though "Honourable" Court; and young civilians and lieutenants of the present day will have wives as well as the "battered brigadiers" and "dingy nabobs" of former times; but Miss Roberts has fairly stripped the whole process of match-making of its roseate hues, and clothed it in the very homely garb which she allows to the bride herself, and indeed to all Indian ladies, whether at the presidency or in the Moofussil. And here again we really must think that the critical English eye of our authoress has undervalued the outward woman of Indian ladies, in the matter of costume, clothing them somewhat sweepingly in lusterless silks, and faded ribbons, and tarnished blondes. No doubt it is matter of difficulty, frequently of impossibility, for ladies up the country to furnish themselves with fresh and fashionable garments; but great indeed must have been the deteriorating effect of change, if it has stripped the belles of the presidency of their rich and elegant attire.

It would appear, however, according to Miss Roberts, that Indian marriages, of the olden time, were often very prosaic and business-like matters indeed.

"A gentleman," says she, "desirous to enter the holy pale, does not always wait until he shall meet with some fair one suiting his peculiar taste, but the instant that he hears of an unexpected arrival, dispatches a proposal to meet her on the road; this is either rejected *in toto*, or accepted conditionally; and if there should be nothing very objectionable in the suitor, the marriage takes place."—(Vol. I., p. 40.)

Now, this is doing business: and Miss Roberts has quite the advantage of us in our experience, if she states such an occurrence upon special knowledge. We are far more disposed to agree with the authoress in her high estimate of the happiness of Indian marriages in general, and we trust

that she overrates the degree of moral compulsion which is occasionally exerted to bring them about. We are convinced that in painting, which she does elaborately, the unhappy fate of young women who follow the fortunes of married sisters to India, she has greatly over-coloured the picture. Such a case as she describes may now and then occur, but we are confident that it is the very rare exception, not the rule—there is too much honest kindness of heart and right feeling, in the whole Indian service, to tolerate such barbarity as is here described.

Miss Roberts has touched with truth, though scarcely with all the effect which the subject admits of, upon the great and irremediable evil of married life in India—namely, the necessary separation of the children from the parents, at a very tender age; or, worse still, that of the wife from the husband. Care for the physical, as well as the mental welfare of the children, renders it expedient that they should be sent home early, and the failing health of the mother too often leaves no alternative between a voyage to England and a grave in India. The consequences of such unnatural separations are very often in the highest degree distressing. This is altogether a chapter upon which we could willingly enlarge, for it involves many subjects of great interest, and we dare say, that in doing so, we should have the ladies on our side; but we must leave it to Miss Roberts herself, who, though we may occasionally differ from her in some of her speculations, gives a very amusing and spirited picture.

The third chapter contains a very entertaining and well done description of Caunpore—an up-country, or *Moofussil* station, of first-rate importance—which we warmly recommend to all fireside travellers, who would form an idea of such transmarine places, without tempting the dangers of salt water in an Indiaman, or of fresh water in a budjerow: but there are many readers, especially of the fair sex, who will receive more amusement from the succeeding one, which treats of female employments and domestic economy, including an account of the usual establishment and duties of servants, and the style of Indian cookery. Let the following extracts from a description of an Indian "*burra-khana*," or great dinner, serve as specimens.

"The receipt appears to be to slaughter a bullock and a sheep, and place all the joints before the guests at once, with poultry, &c., to match. \* \* \* \* Made dishes form a very small portion of the entertainment given to a large party, which is usually composed of, in the first instance, an overgrown turkey (the fatter the better) in the centre, which is the place of honour; an enormous ham for its *vis-à-vis*; at the top of the table appears a sirloin or round of beef, at the bottom a saddle of mutton; legs of the same, boiled and roasted, figure down the sides, together with fowls three in a dish, geese, ducks, tongues, humps, pigeon-pies, curry and rice, of course, mutton chops, and chicken cutlets. Fish is of little account, except for breakfast, and can only maintain its post as a side-dish\*. \* \* \* There are no *entremêts*—no removes; the whole course is put on the table at once; and when the guests are seated, the soup is brought in. \* \* \* \* The second course is nearly as substantial as the first, and makes as formidable an appearance: beefsteaks figure among the delicacies, and smaller articles, as quails or ortolans, are piled up in hecatombs. At the tables of old Indians, the fruit makes a part of the second course; but regular desserts are coming, though slowly, into fashion. \* \* \* \* All the glasses are supplied with silver covers, to keep out the flies; but the glasses themselves are not changed when the cloth is removed. It will easily be perceived that there is an air of barbaric grandeur about these feasts, which reminds stranger of the descriptions he has read of the old baronial style of living; but unfortunately, the guests invited to assist at the demolition of innumerable victims want the keen appetite which rendered their martial ancestors such valiant trencher-men. The *burra-khanas*, as they are called at Calcutta, certainly afford a festal display, in which the eye, if not the palate, must take pleasure. In a hall paved with marble, supported by handsome stone pillars, and blazing with lights, sixty guests, perhaps, are assembled: punkahs wave above their heads; and chowries of various kinds, some of peacocks plumes, others of fleecy cowtails, mounted on silver handles, are kept in constant agitation to beat off the flies, by attendants beautifully clad in white muslin. At every third or fourth chair, the hookah, reposing on its embroidered carpet, exhibits its graceful splendours; but unhappily the fumes of the numerous chillums, the steams of the dishes, the heat of the lamps, and the crowds of attendants, effectually counteract the various endeavours made to procure a free circulation of air. The petticoated bottles which make the circuit of the table, instead of decanters, form one of the peculiarities of an Indian table; their ugliness is compensated by their utility, as the wine is kept cool by the wetted cloths which are somewhat fancifully arranged round the necks of the bottles. Port, claret, and Burgundy, are characteristically attired in crimson with white flounces, while Sherry and Madeira appear in bridal costume. Mr. Hood's pencil would revel in the delineation of these appendages."—(p. 94, *et seq.*)

We dare say our readers have enough of a *burra-khana*; when will people be wise, and learn to practise economy and consistency? Beef, ham, turkeys, saddles of mutton, in the boiling or stewing climate of India—with diseased livers, too—and after a substantial *tiffin* !!!

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\* Do mango-fish go for little? Are they not, when in season, a never-failing dinner dish?

Berhampore, Patna, and Benares, form each the subject of an interesting chapter; while those respectively devoted to "The March," "The Dâk," or post, and "The Budjerow—" that is, the three usual modes of travelling practised in India, will be found replete with animated sketches of the scenery and incidents peculiar to each. Take the following almost at random.

"At day-break, on the morning appointed for the commencement of the march, the bustle and confusion of departure began: the *cortège* of every family spreads itself wide over the plain, presenting motley groups of various kinds. Chests and other heavy goods are packed in hackeries (small carts drawn by bullocks), and where there are ladies, a conveyance of this nature is secured for the female attendants: Other bullocks have trunks, made purposely for this mode of transportation, slung across their backs; the tents become the load of camels, or an elephant, and light or fragile articles are carried either on men's heads, or over their shoulders; nothing that will not bear jolting being entrusted to four-footed animals. The china and glass are packed in round baskets, and conveyed by *coolies* on their heads; looking-glasses, *chillumchees* (brass wash-basins), and toilette furniture, are tied upon a *charpae*, or bedstead, and carried by four men; and cooking-pots, gridirons, frying-pans, chairs, tables, stools, and bird-cages, are disposed of in a similar manner. The *master* appears with his dogs in a string or strings: the shepherd drives his sheep before him: and cocks crow and hens cluck from the baskets in which they are imprisoned: spare horses are led by their *syces*, or grooms, who never mount them: and the washermen, and the water-carriers, are there, with their bullocks. The head-servant, or *khansamah*, seldom compromises his dignity by marching on foot, but is generally seen among the equestrians, the steed being some ragged, vicious, or broken-down *Tattoo*, caparisoned *à la Rosemante*; the other domestics, *khidmatgars*, bearers, &c., either walk, or bestride the camels, if their drivers will permit them to mount, or take a cast in a hackery, or get on in any way that happens to present itself.

"The master of the family, if with his regiment, must be on horseback, unless the commandant should be sufficiently indulgent to permit him to drive his wife in a buggy. The lady sometimes rides an Arab steed, and sometimes travels in a close carriage, or palankeen, according to inclination or convenience. The children, if there be any, are usually enclosed, with their attendants, in a peculiar kind of vehicle, called a palankin carriage, but different from those used by adults, and not very unlike the cage of a wild beast, placed upon wheels. The nurse sits on the floor of this machine with a baby upon her knees, and the larger fry peep through the prison bars of the clumsy conveyance, which is drawn by bullocks, and moves slowly and heavily along, floundering over the rough roads, and threatening to upset at every jolt. The passage of such a cavalcade is very amusing. \* \* \* \* \* The train of a family amounting to three persons, will not consist of less than a hundred individuals, the wives and children of the servants included, who not unfrequently carry their aged parents with them. \* \* \* \* \* When spare tents have been sent on, the family of an officer, on arriving at the encamping ground, find everything ready for their reception: but if any accident should have retarded the route of the people, a tree must be the resource. Parties may be seen on horseback, or on foot, or

in palankins, grouped under the shade of some friendly bough, waiting while their canvas abode is preparing for them."—(Vol. I. p. 141, *et seq.*)

Miss Roberts gives a pleasant account of some of her own "personal adventures" during these journeys, for which we must refer the reader to her work, as well as for her account of the "Thugs." This very singular association of murderers, put Burke and all his followers to utter shame and confusion. Assuredly, cold-blooded indifference to human life was never more strikingly exemplified in the annals of crime, than in the every-day acts of this diabolical cast of assassins.

The second volume opens with an account of Allahabad, in which is included some observations concerning female infanticide, and notices regarding the neighbouring diamond mines in Bundelcund. A touching remark of the authoress, in reference to the christian burying-ground at the station, will not be lost on many of her northern readers.

"The drives," says Miss Roberts, "are numerous, and there is one leading along the walls of the cemetery, which derives a melancholy interest from the recollections of those who sleep within. India has not unjustly been entitled 'Scotland's Church Yard!' The Caledonian tenants of the tomb, certainly outnumber those of the sister islands; and those of Allahabad have their full proportion of youths and veterans from the green hills and clear streams of North Briton."—(Vol. II., p. 17.)

Nor have the noble and the brave among the sons of "Merry England" been spared by the destroyer:—

"A broken column over the resting-place of a Fitzclarence, forms a classic and appropriate memoir of a young man, of great promise, cut down in the vigour of his youth. He left behind him something better—a name linked with gracious deeds."—(Vol. II., p. 18.)

This melancholy but interesting subject is pursued at greater length in the next chapter, which is entitled "Cemeteries and funeral obsequies;" and too true it is, as our authoress observes, that these resting places of the young, the ardent, and the brave—these sad sepulchres of withered hopes and fond affections—present a spectacle which is any thing but calculated to soothe the feelings of the friends of the departed. The contrast observable in the conduct of Christians and Mahometans, both in selecting situations for the tombs of their dead, and in attention to them afterwards, is well described; and there is much in the whole chapter indicative of good feeling in the writer, and which makes a powerful appeal to the sympathy of her readers. That India is a

land of casualties, is a truth which the blasted hopes of many a British household too fatally testifies; and Miss Roberts records some very melancholy instances of youth and beauty cut off in its prime, amidst the dreary jungles of Hindostan. Some of these we have had occasion to be acquainted with, while with regard to others, or at least to certain circumstances attending them, we believe her to have been misinformed. The following extract is of a less painful character, and we give it as a fair specimen of the authoress's style in this particular strain.

"The perambulators of the ruined palace of Rajamahl, whose marble halls are left to the exclusive possession of the lizard and the bat, are struck on entering a court surrounded by picturesque buildings, fast falling to decay, with the appearance of two European tombs. The scene is one of desolation and neglect, but it does not display those disgusting images which sicken the spirit in cemeteries, owing their dreariness and depolation to the indifference of the living. The despotic power of time, the fall of earthly splendour, pictured in the forsaken palace of the former rulers of Bengal, harmonize well with the wreck of human hopes, the fragility of human life, illustrated by the lonely Christian monuments, rising in that once proud spot, where the heathen lord, and his Mussulman conquerors, have passed away for ever. Above, on the summit of a green hill, a marble pedestal, surmounted by an urn, attracts the attention of the voyagers of the Ganges. It is said to mark the place in which a beautiful young Englishwoman fell a victim to one of those sudden attacks of illness so fatal to new arrivals. This monument, glittering in the sun, forms a very conspicuous object; but while telling its melancholy tale, the sad reflections which are conjured up by the untimely fate of one so young and lovely, are soothed by the conviction, that the gentle stranger, at least, found an appropriate resting-place amidst a scene of never-fading verdure; where the flowers and the foliage, the birds and the butterflies, are the fairest and brightest which gleam beneath a tropical sun."—(Vol. II., p. 38.)

A well deserved tribute is paid to the memory of that amiable and interesting individual, Augustus Cleveland; and, where it was not less due, to the grateful feelings of the natives of the wild hill-districts about Bauglipore, who had experienced his benevolence and justice, and knew his worth when judge at that station. The well known cenotaph, erected by these poor Hindoos to his memory, and maintained with all the care and respect which they can bestow, stands forth a lasting and irrefragable proof of the moral power of rectitude and goodness, united with gracious and courteous demeanour—and rebukes unanswerably all who dare maintain that the natives of India are neither susceptible of gratitude nor worthy of confidence, and must, therefore, be governed by the strong

arm of power alone. The justice which Miss Roberts is disposed to render to the often maligned natives of India, is not, in our eyes, one of the least attractive or valuable features of her present work ; and her remarks upon the exemplary attachment and fidelity of Indian servants, and their gratitude for good treatment and kindness, merit well the attention of all Indian masters, and are not unworthy the regard of Indian legislators.

" A tomb," she tells us, " in the neighbourhood of Agra, in which the remains of an European officer, who spent his whole life in the performance of kindly deeds, are deposited, is much venerated by the natives, who bestow upon it the honours of a lamp ; and in one part of Bombay the sentinels on duty present arms at a certain period of the night—a mark of respect paid to the spirit of an English officer of rank, who was adored by the people he commanded, and who, being now esteemed a saint, is supposed to revisit earth in the glimpses of the moon. Had it been the fortune of Warren Hastings to have found a sepulchre in Bengal, the crowds, who now recite verses in his honour, and link his name with enthusiastic blessings, would have assembled annually at his tomb, and rejoiced in the supposition, that his spirit still hovered over the land, which had rightly appreciated those services that were so shamefully unrequited in his own country."—(Vol. II., p. 44.)

Chapters third, fourth, and fifth, describe severally, the stations of Monghyr, of Lucnow, and of Agra, and all are interesting in their way ; although we have not space to afford for particular remarks. We cannot, however, help expressing our surprise, that Miss Roberts, with her good taste and feeling, in describing the tomb of the great Akber at Secundra, should have overlooked the noble simplicity of the monarch's epitaph.—On the plain white marble tombstone, in the " dark vault," where his remains repose, is seen engraved the single word " Akber."\* How could Miss Roberts apply to Akber the epithet of " splendid barbarian."—A monarch so liberal in his feelings and his policy—so enlightened in his views—so noble and generous in his actions—a patron of literature, and himself an admirable author—merited not the reproach of barbarism. The *Ayeen Aberee*, his own work, or compiled under his own eye, attests alike his great abilities and his cultivation of mind.

We wish we could afford room for a few observations on the " Baba-logue," in chapter fourth, which exhibits a really

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\* The word *Akber*, or " mighty," being one of the expressions used in prayer to God, implies a pious ejaculation to the Almighty, while it records the name of the monarch.

pleasing picture of the nursery in India, and displays the character of one class of native servants in a very amiable point of view. To each youngling, almost as soon as it is weaned, at all events the moment it begins to stand, there is attached a *bearer*, whose duty it is never to lose sight of the little creature,—to run after it when it attempts to walk, and carry it in his arms when fatigued; and so faithfully do these men perform their duty, and so strong is the affection which they imbibe for their young charge, that when at length they are forced to part with it, the separation produces the most singular and affecting paroxysms of grief. We have known an old bearer who had brought up more than one of a family, actually driven to distraction at parting with them all when they quitted India for Europe; and he never recovered, but died soon after, apparently from the effects of his grief.

The chapter on Mahometan festivals will afford considerable amusement to those who feel an interest in native customs, notwithstanding some inaccuracies and errors. But we do not think the sportsman will be quite so well satisfied with that which is dedicated to Indian sports, although it is not devoid of lively descriptions; the subject is a large one, and not quite in a lady's way. He will find quite as much regarding the pleasures of the chace and of the "greenwood" in the next, which discourses of Life in "the Jungles;" much of which is very well given. But we confess that we do not quite admire the strain in which the fair authoress describes the usages of jungle society, particularly of the female part of it, in these remote quarters; it betrays a touch of something like captiousness, and wants that tone of good feeling which marks her observations on other subjects; indeed we cannot avoid regretting the somewhat caustic severity towards the peculiarities of social life in India generally, and particularly when her own sex is concerned, which pervades a considerable portion of the work, and does not constitute its most attractive characteristic. We are far from condemning fair and well-meant criticism on manners, any more than on literature; but censure, where called for, is always most useful when applied in the least painful and most courteous form.

The ladies will be amused with the account of "shops and "shopping," which occupies the first chapter of the third



volume, as well as with that on "Government house," its social rules, and etiquette. It contains, too, some striking illustrations of the change which society, both native and European, is in the course of undergoing; but we have already adverted to the sensible observations of our fair authoress upon the conduct of our countrymen to their Indian fellow subjects, and the expediency, not less from motives of good feeling than of prudence, of cultivating a more kindly and general intercourse with them.

Ghazeepore and Dehlee are sketched in the second and sixth chapters. The latter affords matter for a volume of itself, and is, of course, but slightly touched upon. In Dehlee, perhaps, the progress of innovation is more remarkable than in older stations, from its being, as it were, the centre of Mahometan pride and religious bigotry. We extract Miss Roberts's account of the scene which meets a stranger's eye in this celebrated city—both as exhibiting some touches of the approaching new order of things, and as affording a fair specimen of that lady's talent in this species of description.

"The Chaudny Chouk, or principal street, is wide and handsome, one of the broadest avenues to be found in an Indian city. The houses are of various styles of architecture, partaking occasionally of the prevailing fashions of the west: Grecian piazzas, porticos, and pediments, are not unfrequently found fronting the dwellings of the Moslem, or Hindoo; balconies are, of course, very common, and form the favourite resort of the gentlemen of the family, who, in a loose dishabille of white muslin, enjoy the pleasures of the hooka, while gazing on the passing crowd below, totally regardless of the dust which fills the air.

"The shops are crowded with all sorts of European products and manufactures, and many of them display *sign boards, on which the names and occupations of the inhabitants are emblazoned in Roman characters*;—a novel circumstance in a native city. The introduction of this useful custom is attributed to Burrudeen Khan (an ingenious seal engraver). . . . The English placards have a very curious appearance, mingled with the striped pendaha, or curtains, which, in many instances, supply the place of doors, and the variegated screens (where animals of blue, red, or yellow, sprawl upon a green ground), which shade the windows. The houses are, for the most part, white-washed, and the gaiety of their appearance is heightened by the carpets and shawls, strips of cloth of every hue, scarfs and coloured veils, which are hung out over the verandah, or on the tops of houses, to air—the sun in India being considered a great purifier, a dissipator of bad smells, and even a destroyer of vermin; though its claim to the latter quality must be equivocal.

"The crowd of an Indian city, always picturesque, is here particularly rich in showy figures of men and animals; elephants, camels, and horses, gaily caparisoned, parade through the streets, ginging their silver ornaments, and the

many-coloured tufts and fringes with which they are adorned. The *amarrs* of a great personage sweeping along the highways, little scrupulous of the damage it may effect in its progress, forms a striking spectacle, when it can be viewed from some safe corner, or from the back of a tall elephant. The *coup d'œil* is magnificent; but to enter into details might destroy the illusion; for, mingled with mounted retainers, richly clothed, and armed with glittering helmets, polished spears and shields, knobbed with silver, crowds of wild-looking, half-clad, wretches on foot are to be seen, increasing the tumult and the dust, but adding nothing to the splendour of the cavalcade. No great man—and Dehlee is full of personages of pretension—ever passes along in state without having his titles shouted out by the stentorian lungs of some of his followers. The cries of the vendors of different articles of food, the discordant songs of itinerant musicians, screamed out to the accompaniment of a tom-tom, with an occasional bass volunteered by a cheetah, grumbling out in a sharp roar his annoyance at being hawked about the streets for sale; with the shrill distressful cry of the camel, the trumpeting of the elephants, the neighings of horses, and the grumbling of cart-wheels, are sounds which assail the ear from sun rise till sun set in the streets of Dehlee. The multitude of equipages is exceedingly great, and more diversified, perhaps, than those of any other city in the world. English carriages, altered and improved, to suit the climate, and the peculiar taste of the possessor, are mingled with the palanquins and bullock-carts, open and covered, and the cage-like and lantern-like conveyances of native construction. Prince Baber, the second surviving son of the reigning monarch, drives about in an English chariot, drawn by eight horses, in which he frequently appears attired in the full-dress uniform of a British general officer, rendered still more conspicuous by having each breast adorned with the grand cross of the Bath. Meerza Seleem, another of the princes of the Imperial family, escorts a favourite wife in a carriage of the same description: the lady is said to be very beautiful, but the blinds are too closely shut to allow the anxious crowd a glimpse of her charms. Regular English coaches, drawn by four horses, and driven by postillions, the property of rich natives, appear on the public drives, and at reviews; and, occasionally, a buggy, or cabriolet, of a very splendid description, may be seen, having the head of black velvet, embroidered with gold. The cheetahs, or hunting-leopards, before mentioned, are led hooded through the streets; birds in cages, Persian cats, and Persian greyhounds, are also exposed in the streets for sale, under the superintendence of some of those fine, tall splendid-looking men, who bring all sorts of merchandise from Cashmere, Persia, and Thibet, to the cities of Hindostan; an almost gigantic race, bearing a noble aspect in spite of the squalidness of their attire, and having dark clear complexions, without a tinge of swathiness. Beggars, in plenty, infest the streets; and, in addition to the multitudes brought together by business, there are idle groups of loungers—Mussulmans, of lazy, dissipated, depraved habits, gaudily decked out in flaunting colours, with their hair frizzled in a bush from under a glittering scull-cap, stuck rakishly on the side of the head. Such are a few distinguishing features of the Chaudny Chouks.”—(Vol. III., p. 171, *et seq.*)

The fourth chapter, entitled Arrah, contains a most inviting account of an Indian civilian's country house—*comme il y en a peu*. It has also some more good stories of

robberies and murders for those who delight in horrors ; and is altogether very pleasant reading. Two biographical sketches of certain well known characters, Colonel Gardener and the Begum Sumeroo, occupy the fifth chapter, which though imperfect, we believe to be mainly correct ; the wife of Colonel Dyce, whose daughters are alluded to, we always understood to have been an adopted daughter of the Begum, of which she had several.

Hundwar and Juggernaut form the subjects of the seventh chapter—and two admirable subjects they are ; perhaps more might have been made of them, and there was matter to fill twice as much space with advantage. The last, in the sombre style, is the best sketch of the two. Mándoo, Gour, and Bejapore, in the eighth chapter, afford some good studies well touched. Mándoo is a splendid subject. From these deserted relics of the past, we are transported, once more, to the busy and peopled present—to the environs of Calcutta ; among which, most strange to tell, although Barrakpore, Serampore, and Dumdum, are described till the subjects are exhausted, one solitary and casual mention is all that we find, either here or in the whole three volumes, of the surely not less exquisite and enchanting beauties of Garden reach !—The work concludes with a very slight account of Madras, Seringapatam, and Bangalore.

The very cursory outline we have given of Miss Roberts's work, together with the few extracts which our limits would admit of, may serve to show the reader that a very various intellectual repast is prepared, with no ordinary skill, for his refection. The Indian critic may be disposed to knit his brows occasionally at meeting a few forced or improbable stories, proceeding doubtless from over-credulously adopting all that met the ear : but he will readily admit the exact and graphic nature of the descriptions, and give the fair authoress credit, not only for acuteness of observation—for making the most of what she saw—but also for most praiseworthy industry in collecting from others the information which her own inexperience could not furnish. Errors and inaccuracies there are no doubt, but they are of the kind to which all strangers are liable ; and for our own parts we should prefer the freshness of feeling which marks the imperfect but characteristic sketches

of a stranger, to the colder and far less interesting, though more accurate, picture of one who has been long acquainted with his subject—a picture from which all the sharpness of first impressions has disappeared. Errors of principle, calculated to give erroneous ideas upon important points, we should have deemed it our duty to expose; but trivial mistakes, such as those in the work before us, which only practised eyes can detect, and which lead to no evil consequence, it were as useless as invidious to point out. We take our leave of Miss Roberts, with sincere good wishes that her work may meet with the success it so eminently deserves. We hope that her portfolio is not yet exhausted; but that we may look forward to the gratification of reading a fresh series of “Sketches of Hindostan.”

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#### ARTICLE IX.

*Memoirs of Lord Bolingbroke.* By GEORGE WINGROVE COOKE, Esq. 2 vols. 8vo. London: 1835.

HENRY ST. JOHN, afterwards created Lord Bolingbroke, was born on the 1st of October, 1678, in the patrimonial mansion of his family, at Battersea. The family name was derived from a maternal ancestor, William de St. John, who distinguished himself as an officer of William I., at the battle of Hastings; and, being enriched by the munificence of the conqueror, bequeathed to his posterity estates, sufficient to maintain them in a conspicuous rank among the aristocracy of the land. His great-grandfather was an active promoter of the rebellion; and was advanced to the office of chief justice, under the Protectorate. His grandmother, to whose superintendence his early childhood was committed, took great pains to transfuse into him those political and theological principles, which she herself had imbibed from the Puritans. From her he was transferred to the care of Daniel Burgess, a rigid and fanatical preacher, in great estimation among the Presbyterians. The gloomy austerity, and the Calvinistic theology, of this zealous divine, failing to convince the judgment or engage the affections, did but excite the dis-

gust of his youthful pupil, and gave a turn to his character the very reverse of that which it was designed to secure.

From Burgess he was removed to Eton, and subsequently to Christ-church, Oxford. What progress he made at these distinguished seminaries is not accurately ascertained. It is known that he *affected* great contempt for the studies and discipline established at these places; and, if we may take his own word, he was as assiduous to reject, as others were to gain, instruction. Judging, however, from the result, we may safely conclude that his application was greater than he was willing to confess, although not so great as either to entitle him to distinction, at the time, or to furnish him with a fund of classical or scientific erudition, adequate to his future exigencies.

Even during his residence in college, he was distinguished by his gay habits—or, more properly, by a reckless career of scandalous dissipation and extravagance. But when, having left Oxford, he returned into general society, all regard for decency and prudence seems to have been thrown aside: and he pursued his dissolute pleasures with an undisguised, and even ostentatious, impetuosity; as if his sole desire and ambition had been to build his fame upon a preeminency in profligacy. Yet we may well believe what he says of himself at an advanced period of his life—

“The love of study, and desire of knowledge, were what I felt all my life; and though my genius, unlike the demon of Socrates, whispered so softly, that very often I heard him not in the hurry of those passions with which I was transported, yet some calmer hours there were, and in them I listened to him.”

His mad career of extravagance was arrested, for a moment, by his marriage, in the year 1700, with the daughter and co-heiress of Sir Henry Winchcombe. With her he received a large accession of property; and this was the only benefit he derived—it might be all he sought—from this ill-assorted union. He did not think it worth while to control his passions, nor she her temper; and the result was an early, and final, separation.

In the same year, Bolingbroke was returned to Parliament for the borough of Wotton Bassett, in which his family exercised a paramount influence. Descended from Whig ancestors, educated in Whig principles, and surrounded by

Whig connexions, it was concluded that he would attach himself to that party, which was now also in possession of power. He soon, however, made his election in favour of the opposite party, led on by Harley; who, also, either from force of circumstances or conviction, had repudiated his Presbyterian connections, and identified himself with high-church politics. Bolingbroke might seem to have taken up his first political position very sagaciously, since he barely had found opportunity to display the splendor of his eloquence, and the vigor of his understanding, when the power of the Whigs received a severe shock, by the death of William III., in the year 1701, and the demise of the crown to the Princess of Denmark.

It was the fate, or rather infirmity, of this amiable princess, to live perpetually under the influence of some female favorite. This influence had been long exercised by the Countess, afterward Duchess, of Marlborough; and was, at this juncture, exerted in favour of her husband, to whom, therefore, the new sovereign confided the formation of her first ministry. Godolphin, an ardent Tory, was appointed premier, supported by the Earls of Nottingham and Rochester—leaders of the high-church party. These noblemen, dissatisfied that so many Whigs should be retained in office, soon tendered their resignation. Their secession opened the way to office for Harley and Bolingbroke—the former as home-secretary, the latter as secretary-at-war. In this situation—stimulated by personal ambition, as well as gratitude to the Duke of Marlborough, who admired and fostered the rising genius of the youthful secretary, encouraged, moreover, by the extraordinary success of the allied forces—Bolingbroke exhausted all the powers of his eloquence in defending the measures of the administration, and in reconciling the Commons to those enormous sacrifices, which enabled the duke to achieve that series of victories, which reared his military fame upon an imperishable basis. It was on the motion of Bolingbroke, that Parliament enabled the Queen to reward the hero of Blenheim and Ramilies, with what was dearer to him than fame itself—the magnificent estate and manors of Woodstock and Wotton.

The secession of the leading Tories had the effect of raising a powerful opposition, in Parliament, against the Godolphin

ministry. To resist this adverse force, there was no available expedient, but to recruit his cabinet from the ranks of the leading Whigs; and thus secure the co-operation of their adherents in the senate. Godolphin, although a Tory, now found himself chief of a Whig administration, and was willing to adopt their domestic policy, rather than relinquish his office. To this change, however, the Queen was never cordially reconciled. Her disgust was further exasperated by the insolent and imperious conduct of her favorite, who thought herself entitled, not only to prescribe to her sovereign the chief members of her cabinet, but even, in her private intercourse, to fail in that courtesy and respect which was due to her royal mistress. This alienation of the monarch from her ministry and favorite, did not escape the notice of Harley and Bolingbroke; and they commenced, forthwith, a secret intrigue, through the medium of Mrs. Masham, a lady of the bed-chamber, who had supplanted her relation and protectress in the affection and confidence of the Queen.

This intrigue for displacing Godolphin, and reducing the power of the Marlboroughs, was managed with great secrecy and address; but yet it was obstructed for a time, in its progress, by that popularity and power, at home and abroad, which the military triumphs of Marlborough secured for himself and colleagues. The country, however, began at last to feel the heavy pressure of the debt and taxes which the military measures of Marlborough had occasioned; and to compare the probable advantages, with the actual evils, of a protracted warfare. The French monarch, too, had been so deeply humbled by a succession of defeats, that, in the year 1707, he offered such advantageous terms of peace, as left no necessary, or even justifiable, cause for the continuance of the war. Marlborough, by his insatiable avarice, had lost much of that popularity which the just admiration of his military genius had procured for him: and the ministry, from obnoxious measures of domestic policy, had become generally as unpopular with the country, as distasteful to the Queen. Harley, therefore, concluded that the time was now arrived for exploding the mine, which he had been so long preparing for the demolition of his colleagues. It failed, however,

at the moment, through want of firmness in the Queen, who was obliged to suffer Harley to resign his office—an example which Bolingbroke naturally and necessarily followed.

Bolingbroke had now reached his thirtieth year. He had sat seven years in Parliament, and, during the chief portion of that time, as a minister. He had felt both his own strength and his own weakness. Nature had been bountiful, and almost prodigal, in her gifts; and he scarcely less prodigal in the neglect and waste of them. In splendor of eloquence, and vigor of mind, he had no equal in Parliament; in political knowledge, and sound discretion, he had many superiors. He now discovered that he could never arrive at that supremacy to which he aspired, and, short of which, his ambition could not rest satisfied, except he could compete with his rivals in knowledge and judgment, as well as in genius and eloquence. He, therefore, took the resolution, which his resignation favored, of retiring from Parliament, and devoting himself to a course of *severe* and methodical reading during a period of two years. It is to this resolution that we may safely ascribe that extensive, if not profound, knowledge of political history, and of general literature, upon which, rather than upon his parliamentary or ministerial efforts, his posthumous fame reposes.

In the meanwhile, the administration he had left, although supported by great majorities in the two Houses of Parliament, fell daily into more disrepute, both with the Queen and the people. In an evil hour they chose to try their strength against their opponents and the church party, by instituting a solemn impeachment against Sacheverel—an obscure, weak clergyman, who had delivered a sermon at St. Paul's, inculcating the doctrine of passive obedience, and other congenial topics. "The Whigs took it in their heads," as their historian, Burnet, expresses himself, "to roast a parson, and they did roast him; but their zeal tempted them to make the fire so high, that they roasted themselves." This ridiculous and intemperate proceeding proved to be critical. It furnished the impulse, and the signal, for the Tories to display all their popularity, and put forth all their strength against the ministers. The Queen took courage to dismiss one of her most obnoxious servants, and replace him by the Duke of Shrewsbury, who, although a Whig, had voted for the



acquittal of Sacheverel. This was soon followed by the dismissal of Godolphin, and the recall of Harley and Bolingbroke to office. Upon these two ministers the weight and the responsibility of the government rested; and powerful and exasperated as their enemies were, it was essential, both to their own safety and the public welfare, that they should pursue their new line of pacific policy with the most perfect unanimity and unreserved confidence. They were now, however, no longer able to disguise, either from themselves or others, that jealousy which had slept during their conjoint efforts to depose a common enemy. Both highly, and almost equally, gifted, they were in temper and character widely contrasted. Harley was courteous, temporising, reserved, cautious and indecisive. Bolingbroke was bold, ardent, impetuous, and constitutionally, if not morally or habitually, frank and communicative. They contrived, however, so far to dissemble their mutual aversion, as to concert measures for carrying on the war with spirit, till a fit opportunity should arrive for negotiating a peace. In the meanwhile they spared no pains to impress the nation with the impolicy of the war, the faithlessness of the allies, and the sordid rapacity of Marlborough and his political confederates.

At this critical period, Swift appeared upon the political stage; and, disgusted with the neglect, or what he called ingratitude, of the Whigs, identified his reputation and fortune with those of the Harley administration. He contributed some of the most popular and effective papers to the *Examiner*—a weekly publication, conducted by Bolingbroke, Prior, Arbuthnot, and other literary advocates of the pacific policy. While the question of war and peace was debated with the greatest earnestness and animosity, both in parliament and without, Swift published his "*Conduct of the Allies*." The effect was decisive—almost, magical. It was written with such "unpretending" simplicity of language, and yet in such a polished and original vein of satirical humor, and, above all, with such an incontestible induction of facts, as to satisfy the doubts of all impartial inquirers, and to silence many, even of those who were determined not to be convinced.

The people, and a majority of the House of Commons, were now gained over, and prepared for peace. The ministers indirectly gave the French court to understand that proposals for a

general pacification would be favourably received. This intimation was eagerly welcomed by the humiliated Louis ; and, after some preliminary arrangements, those negotiations were commenced, which terminated in the peace of Utrecht. It is upon the policy and conditions of this peace that the character of Bolingbroke, as a statesman, principally rests. That the contest had been continued longer than was compatible with the true interests of England, is not to be denied ; but it is still maintained that the advantages secured by the peace were not proportionate to the successes of the war. Of this result, however, the blame does not seem to be justly imputed to the ministers. The Allies, instigated by the traitorous intrigues of Marlborough, and the other advocates of war, both at home and abroad, threw every possible obstacle in the way of bringing the negotiations to a satisfactory and honourable conclusion. Notwithstanding these formidable difficulties, the grand objects for which the war had been commenced were secured. A competent barrier was provided in the Low Countries for the Dutch. The Duke of Savoy obtained that security and accession to his territories, to which his fortitude and endurance had entitled him. Gibraltar, Port Mahon, the demolition of Dunkirk, and the protection and extension of commerce in the western hemisphere, were stipulated for, in favour of England. And every practicable precaution was taken, that the crowns of France, and Spain should not be placed upon the same head.

But to whatever criticism the terms of the peace of Utrecht may be justly exposed, all are agreed that its accomplishment, amidst the difficulties which beset him, reflects the highest honour on the diplomatic talents, official diligence, and moral courage of Bolingbroke. The Queen was, at this juncture, tottering on the brink of the grave ; his chief colleague indecisive, sullen, and insidious ; his subordinates timid, and shrinking from responsibility ; his political opponents powerful, vindictive, and talented ; the enemy, with whom he had to treat, dexterous and subtle ; the allies, with whom he had to confer, obstinate and faithless ; the House of Lords swayed by the opposite faction ; and, above all, he was treating under the terror of an absurd Act of Parliament, which declared that the minister, who made peace with a power lending protection to the Pretender, should be deemed guilty of high treason. Under all this

accumulation of adverse circumstances, the wonder is, that a peace, comprehending so many favorable terms, or even that any peace at all, could be concluded. The correspondence which Bolingbroke has left behind him, connected with this negotiation, furnishes ample proof of his indefatigable exertions; and it is, of itself, an imperishable monument of his prodigious powers, both diplomatic and literary.

No sooner was the treaty of peace signed at Utrecht, in the year 1713, than the two ministers could no longer conceal their deep-seated antipathy from the public; or repress, even in the presence of the Queen herself, the language of mutual reproach and recrimination. All attempts to reconcile them were fruitless. It was obvious that they could not much longer meet in the same council-chamber. The scale of Bolingbroke now began to preponderate. He had conciliated the favorite, by patronising her brother; and the Queen was disposed to forget his immoralities, in admiration of his official energy, and the charms of his conversation. Harley felt himself compelled to resign. The treasurer's staff was consigned to the Duke of Shrewsbury; the virtual office of premier rested in Bolingbroke. He now touched upon the very terms of his utmost ambition. It was the moment of his fall. His power, to use his own phrase, "was no sooner ripe than rotten." The Queen died within two days of this internal revolution in the cabinet. Her successor was under the complete influence of the Whigs, whom he encouraged to bear down their opponents by every oppression which party jealousy and revenge knows so well how to exercise, under the semblance of justice and patriotism. Bolingbroke, as the most feared, was the most hated, and as the greatest, was the most envied, "*Summa petit livor.*" Against him vengeance launched her first bolts. He flattered himself, for a time, that by his firmness he might repel, or by his dexterity elude, them. But these hopes were soon dissipated. A new parliament was assembled, in which the Whigs had an overwhelming majority. His political opponent and personal enemy, Walpole, was its leader; and he was determined to visit upon the leading Tories his own expulsion from the House of Commons, and by their ruin, revenge at once his own disgrace, and crush the power and hopes of the adverse party. He,

therefore, set himself, with the most assiduous zeal, to discover and collect materials, on which to found the impeachment of Bolingbroke and Harley.

However confident Bolingbroke might be in the goodness of his cause—however conscious of his innocence of any act of high treason, or any thing even amounting to a high crime or misdemeanor—yet, he foresaw that, as his accusation would be drawn up by his most inveterate enemies, intent upon his destruction, and as he should have to defend himself before judges, a majority of whom were inflamed with prejudice and rage against his person and party, he could look neither for justice during the trial, nor mercy after it.

“He knew,” says his biographer, “that the only alternatives were death, or flight and proscription.”

“For the latter he now prepared. His time for escape was short; the toils were already closing around him. The Whigs had concluded their investigations; even the articles of impeachment were ready; every night expectation was excited of the opening of the charge—every hour was fraught with danger. Bolingbroke’s deportment was to the last moment bold and fearless; his flight was precipitate and unexpected. When he had received intimation that the charge would be no longer delayed, he appeared the same night at the theatre, where he conversed with all his characteristic gaiety, bespoke a play for the next night, and subscribed to an opera to take place a fortnight after. But immediately the performance was over, he left London with precipitation, travelled rapidly to Dover, crossed the Channel in a small vessel, and, landing at Calais, found himself an exile. Such was the reverse which a few short months brought in the fortunes of Bolingbroke. Now wielding all the mighty energies of his country, giving an object to the prowess of her arm, directing the thunder of her power, controlling her allies, breaking the resources of her enemies, guiding all the intricate mechanism of her government, diffusing the terror of her name abroad, mitigating the burden of her contest at home; and lastly hushing the clangour of war, which for ten years had rung through Europe, into the busy murmur of peace. Now behold the same man exiled from the country he had governed, sheltered only by the enemy he had subdued.”

Bolingbroke had escaped with his life; but he had left his property and honours at the mercy of his enemies. Of these he was forthwith stripped by a Bill of Attainder. The articles of impeachment upon which this measure of extreme severity was founded, were *first*,—that he had, in contravention of the treaty of the Grand Alliance, opened a negotiation with France, without communicating with the Allies; *secondly*,—that he conducted that treaty in concert with France, and gave her undue advantages in the terms of peace, and especially, that Philip, Duke of Anjou, was acknowledged King of Spain;

*thirdly*,—that he advised the enemy by what methods he might regain the important fortress of Tournay from the States General.

In the formal impeachment no article is framed to charge him with any traitorous practices, or even confidential communication with the Pretender. This omission is, by itself, conclusive, that no proof at that period, or even plausible ground of suspicion, could be discovered of any such intrigue. The silence of his public accusers, added to his own solemn protestations of innocence (made at a late period of life, when he was writing for posterity), ought certainly to outweigh the evidence of anonymous detractors, and the sinister interpretation of spies, raked from the dusty archives of secret correspondence. We would not argue that Bolingbroke was not, in his heart, inclined to the restoration of the Stuarts. But this inclination he did but share with the generality of the Tories, a considerable section of the Whigs, and a majority of the people. But while Marlborough, Russell, Ormonde; Harley, and almost all the leaders of both parties, were maintaining a furtive intercourse with the Pretender, Bolingbroke stands peculiarly clear of any taint of such double-faced loyalty and vacillating treason.

Of two of the alleged charges an impartial posterity has acquitted Bolingbroke, as far as any dereliction of duty and honour is concerned. An imputation is left upon his honour, and through him upon the honour of his country, for having commenced and continued the negotiations for peace, without the privity first, and then without the concurrence, of the Allies. This stigma his biographer is disposed very rigorously to impress upon his character. But we are by no means convinced that he was guilty of any direct breach of good faith. Of this we are very sure, that the politicians who negotiated the treaty of the Grand Alliance and of the Barrier, and admitted a clause, by which England, who never ought to have been a principal in the war, was debarred under all circumstances from "treating of peace with the enemy, except jointly with the Allies," are entitled to a much larger share of the censure and the odium. The Allies too, had, one and all, so far fallen short of their stipulated contingents, that it may be questioned, without any

refinement of casuistry, whether England was not morally free at any time to insist upon terminating a contest, of which the chief burthen, and none of the advantages, fell to her share. We admit that too much confidence was reposed in France during the progress of the negotiations. But even that error finds its extenuation, if not its exculpation, in the obstinate selfishness of the Marlborough faction, in London, and at the Hague,—a faction which employed every artifice and every intrigue to mar the prospects of peace, and to perpetuate a war, which ministered so largely to their own avarice and ambition. They were now confederated with the Allies to defeat the measures of government; and therefore drove the ministers into the arms of France. On this, as on many other occasions, the best interests of the country were sacrificed to the objects and passions of party.

Bolingbroke had now, at the age of thirty-five, run his brilliant, but unsteady and unsuccessful, career as a British statesman; and was preparing to enter upon another, neither brilliant nor successful. Enraged and maddened by the harsh treatment which he had received from the king and the prevailing faction, he most imprudently, and fatally for his honour and future fortune, listened to the advances of the Pretender; who offered him a high official situation in his councils. This situation Bolingbroke accepted, and held during the ill-concerted and disastrous invasion of Scotland, in the year 1716.

Of the ill success of this futile enterprise, the Pretender, or his confidential advisers, chose to lay the principal blame upon Bolingbroke. He had indeed discouraged the attempt; and it is probable that he did not exhibit very great zeal and spirit in a cause, which the absurd and bigoted conduct of its chief rendered hopeless. He secretly advised the Tories in England—who were now anxious to escape from the injustice and tyranny of Hanoverian policy, by restoring the Stuarts—not to expose their lives and fortunes by any rash and premature declaration in favour of a person and a cause, which had no rational prospect or means of success. The Pretender, therefore, might have some reason for questioning his fidelity, and removing him from his councils. But he; as groundlessly as ludicrously, proceeded to re-enact, in

his sham parliament at St. Germain, the grave and severe process taken against him in England; and caused him to be impeached and attainted in due form. Bolingbroke was now proscribed and persecuted by both parties.

Fortune had now done her worst—she had frustrated every hope, and disconcerted every plan—she had not only stripped him of the high honour to which his ambition too prematurely aspired, but of every advantage to which his genius and diligence might justly entitle him. He appears to have been permitted to rise, only that he might fall; and his ambition to be flattered for a moment, that he might have a keener and longer perception of the reverse.

“ Nam qui nimios optabat honores,

“ Et nimias posebat opes, numerosa parabat

“ Excelsæ turris tabulata; unde altior esset

“ Casus, et impulsæ præceps immane ruinæ.”

If it should be asked what peculiar quality in Bolingbroke's mind rendered all his intellectual powers useless or even pernicious to its owner, we do not hesitate to fix it upon his inordinate pride and precipitate ambition. He was so impatient of superiority, and so eager to *rule*, that he had not patience to *serve* any party, or any person, long enough to secure either their confidence or their friendship. He converted his political opponents into personal enemies, and his colleagues into rivals. The former, therefore, witnessed his downfall with shouts of exultation, and meanly and maliciously took advantage of his hour of weakness to strip him of his property and honours, and would have slaked their thirst of vengeance in his blood, had he not eluded their pursuit by a timely flight. His associates were willing, indeed, to avail themselves of his talents, and share in his prosperity; but even they had no sympathy with him in his calamity. No friendly arm was exerted to break the violence of his descent; and scarcely a voice was lifted up, either to defend his character or deplore his fate.

We have now only to view Bolingbroke as a private man, and in his capacity of author and philosopher. But before we advert to his literary labours, we will conduct our readers to the conclusion of his personal history.

We shall not dwell upon his sensual extravagancies, and licentious intrigues, either in London, where he had passed his youth, or in Paris, where he now took up his residence, and

was freely admitted into the society of the ministers of that voluptuous court. We are entirely impressed with the wisdom of the distinction taken by our German ancestors, in the infliction of punishments; and we think it as applicable to literary as to legal judicatures.

“ *Distinctio pœnarum ex delictis; proditores et transfugas arboribus suspendunt; corpore infames cœno ac palude, injectâ insuper crate, mergunt. Diversitas supplicii illud respicit; tanquam scelera ostendi oporteat dum puniuntur, flagitia abscondi.\**”

He remained, however, but a short time in Paris. He retired into the country, and employed his leisure in corresponding with his literary friends in England; and more particularly in drawing up an elaborate and splendid defence of himself, in a letter to Sir William Windham, who was now leader of the Tories.

In the year 1718, his lady died; and, within the space of eighteen months after, he entered again into a matrimonial engagement with the Marquise de Villette. In this second connection he proved to be as eminently fortunate, as before he had been unsuccessful. The Marquise was possessed of almost all those qualities which were calculated to fix the affections of such a husband. She was lively, talented, not destitute of personal charms, and cordially attached to her lord, both by admiration of his talents, and affection for his person. She also brought him a very considerable accession of income, consisting of some annuities, and 50,000*l.* in the English funds. With these means, added to the small wreck of his own fortunes, he was enabled to embellish a very elegant retreat at La Source de Loiret. Here he passed two or three years, soothing the bitterness of disappointment, and the yearnings of ambition, with such amusements as his literary occupations and social intercourse afforded.

Bolingbroke had no sooner broken off his official connection with the Pretender, than Lord Stair, the ambassador at Paris, was authorised by George I. to offer him hopes, or rather an assurance, of pardon—upon the understanding that he never renewed any intercourse with the exiled family. This promise, as being perfectly congenial to his state of feeling, as well as his deliberate judgment, was rashly made

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\* Tacitus.



*unconditionally.* As he refused to give any secret information to the government, and his hostility was neutralised, the promise of the king was allowed to sleep nearly seven years; and every effort made by Bolingbroke to shake off his attainder, during that time, was frustrated.

In the year 1723, his second marriage began to transpire; and her agent in England refused to make any further remittances to the Marquise, as the consort of an attainted outlaw. Lady Bolingbroke was now compelled to repair to London. Here, with the assistance of Lord Harcourt, and other friends of her husband, she succeeded in regaining possession of her property. Not content with the first success, she contrived to procure an introduction to the Duchess of Kendal, the king's mistress. On her she prevailed, by a *douceur* of 11,000 *l.*, to intercede with the king—and so effectually, that, in defiance of every obstacle that Walpole and the other ministers could raise, the king insisted upon extending his pardon to Bolingbroke, so far as respected his life and liberty. As soon as he had ascertained that his pardon was registered in form, he came over to England, to exercise his restored rights, and to negotiate, in person, for those which were still withheld. Being unsuccessful in the latter design, he returned to his retreat in France. From thence he kept up a constant correspondence with such of his political connections in England, as seemed likely to promote his great object—the complete reversal of his attainder. Walpole, however, was still further confirmed in the power and in the will to defeat his purpose. Nothing, therefore, remained, but to pursue his object through the same *secret* track which had before led to partial success. He entrusted his interests to the same negotiator, who, through the same intercessors, made a favourable impression upon the king's mind. Bolingbroke now returned to England, to push to a successful termination the negotiation which his lady had so auspiciously opened. After many and earnest applications, the king at length was induced to exercise his authority over his ministers and parliament, and to prevail with them to repeal the act of attainder—so far as to entitle him to hold property under the protection of the law, and to succeed in due time to his patrimonial estates.

He was now cut off from every hope of entering again

upon the arena of his former political combats; and therefore, of necessity, and with the best grace he could, prepared himself to pass the remainder of his days in retirement. For this purpose, he purchased his celebrated villa of Dawley, near Uxbridge; which, during his residence there, became the resort of the most distinguished literary men of the age, Pope, Gay, Swift, Phillips, &c.

But although he was legally disqualified for active politics, his mind and pen were not unemployed. From hence he directed some of those pungent strictures, in the "Occasional Writer" and "Craftsman," against Walpole, which made his enemy writhe under his lash, and gradually shook the character and credit of the minister. He had even sufficient influence to obtain an audience of the king, for the purpose of exposing the un-English policy and corrupting influence of Walpole. But this transient and weak effort to rise again into power (through the reigning favourite) signally failed. He could not expose the Germanism of the minister, without compromising the Hanoverian monarch. His intrigue was unsuccessful; and he gained nothing from his interview, but aggravated contempt and hatred.

By the death of George I., in the year 1727, Bolingbroke was entitled to hope that the power of his rival might be broken, and his own party re-established. In this expectation he was utterly disappointed. For when the near prospect of place at length presented itself to the Tories, they instantly forgot all those pure and patriotic principles, which they had advocated with so much eloquence, and showed themselves quite ready to adopt the worst features of Walpole's domestic and foreign policy, provided they might be permitted to wield the same power, and enjoy the same patronage. The power, therefore, of the Whig ministry was more firmly consolidated than ever; and Bolingbroke resigned, in utter despair and disgust, all hopes and all efforts for the party with which he had been so long connected. From this period his political treatises were composed under the influence of a very different principle, and with a quite different aim. He thought and wrote no longer as a partisan, but as a patriot. He appealed to the nation, not to a faction. His *Patriot King*, *Dissertation upon Parties*, and other later works, breathe a most

liberal, constitutional, and even popular, spirit; and expose, in the most striking manner, the mischievous influence of party conflicts on the happiness and prosperity of nations. They deserve the attentive study of every politician, who wishes to understand the nature and practices of faction, and to apply the experience of past ages to his own instruction, and the benefit of his country. They are to be read, however, with this pre-monition,—that all Bolingbroke's political dissertations are composed with a latent reference to the exculpation of his own errors, or the exemplification of his own merits.

Bolingbroke, having discovered that by his ten years' residence at Dawley he had neither contributed to the elevation of his party, nor to the improvement of his fortune, again withdrew into France; and seated himself at Chantelou, near Fontainebleau. Here he remained till the death of his father, in the year 1742. By this event he came into possession of an ample property, and was enabled to fix his establishment at Battersea, on a scale of expense suited to his own ideas of comfort and dignity.

In the year preceding, Walpole, his insolent and inveterate foe, had fallen at length under the ruins of his own vicious system; and if his opponents had not been so impatient to grasp at power, as to accept terms from the court and stipulate for his personal safety, it is more than probable that he would have felt the full weight of that attainder, which he had laboured to inflict and perpetuate upon Bolingbroke, but which he himself had most amply deserved. It was enough, however, to reconcile Bolingbroke to his country, that his arch enemy no longer swayed its destinies; and it contributed to allay that spirit of revenge, which neither his philosophy had taught him to subdue, nor his self-respect to conceal, to see the object of his hate sunk to as abject a state of political insignificance as himself.

But now, age and disease, enemies still more inexorable, pressed upon him, and compelled him to seek that repose, which his reason had often counselled, but his ambition would not allow him to enjoy. His constitution and spirits were much enfeebled, and he had recourse to recreations of the lightest and even most frivolous kind, to entertain, without straining, his mind. He still, however, encouraged the visits

of literary acquaintance. But the splendid phalanx which formerly surrounded him had disappeared. Swift, Gay, Atterbury, Arbuthnot, Philips, were passed from the scene. Pope lingered awhile behind, when he too followed. The only person now left, around whom his affections clung, was his wife, who had been in a state of painful and hopeless infirmity ever since her return to England. Over her sick bed, and "long days' dying," he watched with fond affection and intense anxiety; and when death at length relieved her from her sufferings, he wept for her, as "losing one" (to use his own expression) "who had been the comfort of his life in all the melancholy scenes of it, just at a time when the present was most likely to continue, and to grow daily worse."

His apprehensions were not chimerical. Imagination itself can scarcely conceive an accumulation of distress more afflictive than that which assailed Bolingbroke, in the short interval that intervened between his wife's death and his own. The present could afford him no enjoyment—the past no consolation—and the future no hope. His constitution was thoroughly broken, and his spirits subdued. He was harassed by a complicated litigation commenced by the relations of Lady Bolingbroke, who claimed her property, on the plea that the marriage rite had never been legally solemnized. The measures they had concerted to keep it secret, deprived him of the immediate means of proof, and he was beaten in the process. This must have been deeply mortifying to him,—not so much at depriving him of a large amount of property, as leaving a disgraceful and unmerited stigma upon the memory of his wife. This sentence was, after a tedious process, reversed, but too late for Bolingbroke to have the satisfaction of knowing it. In addition to this, he was attacked by a cancer in his face. The disease, of its own nature incurable, and sufficiently loathsome and painful, was further exasperated by the injudicious treatment of an empiric. The disorder made rapid progress, and soon extended to the vital parts. His end now approached.

"In the agonies of death," says his biographer, "he was awfully consistent with himself. He rejected, without hesitation, the proffered assistance of a clergyman, and died, as he had always lived, but only latterly avowed himself—a Deist."

We have thus endeavoured to present our readers with a concentrated summary of that information regarding this extraordinary man, which Mr. Cooke has extended into two octavo volumes; we would by no means insinuate, however, that he has been needlessly prolix. We have read his work with great interest, and do not hesitate to recommend it to our readers, as a specimen of biography highly creditable to his talents and impartiality. It is written in nervous and elegant language, although with too close an imitation of the more ornamental, and as we think less tasteful, style of his author. He is not, however, always judicious, or even correct in the choice of his terms and metaphors. He speaks of a "series of tyranny," "*hushing*" "clangour into a *murmur*," and the "transit of a *star*;" and—of all stars in the firmament—of a "*twin-star*." Of these and similar inaccuracies, not a few, he might not unreasonably say,

" Quas aut incuria fudit,  
Aut humana parùm cavit prudentia."

But we cannot so easily discover an excuse for some rash strictures he has passed upon other writers. He has treated Swift, in particular, we are persuaded, with peculiar injustice. He stigmatises him as a "thorough miser," a "pure deist," and a "reverend deceiver;" now it so happens, that if we had been called upon to point out the most beneficent and charitable of that constellation of wits, which adorned the age and society of Bolingbroke, we should have unhesitatingly named this calumniated Swift. It is true that he was, till past the middle of life, a rigid economist. Had he been less so, he could neither have maintained his independence or discharged his just debts. But as soon as he had secured a competence, he employed the first five hundred pounds of which he became possessed, in assisting industrious artisans and tradesmen. Nor did the experience he had of the ingratitude of mankind, in advanced years, ever freeze the current of his bounty. Almost the last act and last words of his life, were to order twenty pounds to be given to a young couple, whose house and shop, he casually overheard his attendants say, had been destroyed by fire; with strict injunctions to conceal the name of the donor. This was "the ruling passion,

strong in death." It is true that Swift was minutely, perhaps whimsically, methodical in his economy. But his parsimony was neither rapacious nor obdurate. He refused the offer of pecuniary aid from Harley and Bolingbroke, when *his* necessities and *their* obligations, might have well justified its acceptance. He allowed Pope to enrich himself by the sale of his poetical productions, and gave to booksellers the copyright of his political treatises, which they would have been glad to purchase for very considerable sums. No; "thorough misers" are not made of such stuff as this. And yet Mr. Cooke says, that "the avarice which tormented Swift, never tormented Bolingbroke's mind." Happy had it been for Bolingbroke if Swift's avarice had tormented, or at least influenced, *his* mind. Swift had small resources, which he sedulously husbanded, that he might have wherewithal to maintain his own independence, serve the necessities of his friends, and "give to him that needeth." Bolingbroke, during the greatest portion of his life, had ample resources, which he profusely squandered in the gratification of his own vanity and sensuality, or bestowed upon the worthless ministers of his pleasures. In short, Bolingbroke, from large means, gave little; Swift, from small means, gave much. Never, surely, were praise and blame so preposterously awarded; and never was contrast instituted that deserved so well to be reversed, as when the praise of liberality is ascribed to Bolingbroke, and the imputation of avarice laid upon Swift.

Let us now see upon what evidence Swift is charged with infidelity, and, of consequence, with systematic hypocrisy. Mr. Cooke admits that it was only late in life that Bolingbroke avowed his deistical creed; but, "his infidelity peeps out occasionally in his correspondence with Swift, and *these* allusions seem never to have called forth a reproof from the dignitary." Has Mr. Cooke, whom we believe to be a sincere Christian, had so little intercourse with mankind as never to have seen infidelity "peep out" in the presence of himself or other Christians, and yet escape without reproof? The argument scarcely amounts to a presumption; and is more than neutralised by the fact, that in this very same correspondence with Swift, Bolingbroke always treats religious topics as if he were addressing a sincere believer. Confidential as this corres-

pondence was, if he had entertained a suspicion to the contrary, it is scarcely possible that it should not have "peeped out," or rather openly showed itself, as his opinion of Pope actually does in his correspondence with him. The loose idle gossip of Mallet's widow, detailed by M. Grimouard, importing that the distinguished characters who frequently met Bolingbroke at her house, "*étoit une société de part déistes*," is utterly unworthy of any credit or regard.

If the speculative opinions of Bolingbroke and Swift were identical, their practical principles were at least sufficiently discrepant. Swift exerted all his literary talents to recommend Christianity; Bolingbroke, to discredit it. We would by no means undertake the hopeless task of reconciling all Swift's "sayings and doings" to the high standard of Christian morality; but there is much more that cannot be reconciled, by any ingenuity, to the hypothesis of his being an infidel.

We have an opportunity of contemplating the characters of Bolingbroke and Swift, under circumstances closely analogous, and under circumstances, too, in which men do not usually, indeed scarcely can, dissemble. It was the fate of both, after all other ties of affection were broken—all other hopes of, worldly comfort annihilated—to watch over the dying hours of their respective consorts, to whom they were each tenderly attached, and to console whom, since they could not restore them, all the resources of their minds were put in requisition. In this situation Bolingbroke admits the ineffectiveness of his philosophy. He confesses that he is incapable either of receiving, or of communicating, consolation. "A man who thinks and feels "as I do," he writes, "can find *no satisfaction* in the present "scene."

Swift, under similar circumstances, encourages his sinking invalid to raise her thoughts and hopes to a future and invisible world; and to lift her heart to God in penitence and prayer, through faith in a Redeemer. The forms of prayer which Swift composed and used, on that painful occasion, are indubitable monuments of his piety, as well as of his affection. We have no hesitation in saying, that it is not only improbable, but impossible (for we think there is a limit to human hypocrisy), that any person, under such circumstances, should have drawn up, and used these forms,

and yet not believed in the authenticity of the Christian Scriptures.

Mr. Cooke, as we think, undervalues Swift's literary, as much as his moral and religious, character. He tells us, that Bolingbroke, Addison, and Swift, were acknowledged as the triumvirate who infused elegance into our language. "Among these, the first place was assigned to Bolingbroke, and it would not be difficult to prove that he deserves it. Swift has never been *thought of as his rival*: his plain and unpretending language, so utterly devoid of figure or ornament, could never be compared with that of a man he was always ready to acknowledge as his master." Swift's language "*is plain and unpretending*;" Bolingbroke's, on the contrary, full of ornament and figure; true: but this does not decide the question at once in favour of Bolingbroke. They were both accomplished literary gladiators. The peer advanced, with a dignified and imposing air, assumed a graceful but studied attitude, flourished his shining rapier, as if he would dazzle the eyes, before he pierced the breast, of his opponents. The dean advanced in an easy and natural, "almost negligent, manner," looked merely at the mark he had to strike, and subdued his foe before he put him on his guard. In truth, the simplicity of Swift's style is its charm; and it is its strength. The fault of Bolingbroke's, is its affectation of ornament. Its march is encumbered by the richness of the dress, and the argument obscured by a profusion of figures. We do not hesitate to say, that the best specimen of Bolingbroke's style is to be found in some of those papers in the *Craftsman*, which he wrote with the intention of concealing the writer; and it is in them, too, that he most resembles Swift. He wrote, as Swift always wrote, not to astonish, but to convince. He thought of his cause, and not of his fame. He was "unpretending," and he was *effective*.

Swift was sparing in the use of metaphors; he could carry his point without them. To introduce them, therefore, would have been superfluous, at least—if not impertinent. Men who scarcely know their own meaning, or, knowing it, are unable to convey an accurate idea of it in literal terms—in other words, persons whose intellectual vision is obscure, or whose



command of language is imperfect—take refuge in circumlocutory and figurative illustrations. Affectation sometimes adopts, from choice, the fault to which weakness has recourse, from necessity. From this affectation, or this weakness, Bolingbroke himself is by no means exempt, even in the most elaborate of his philosophical works.

Again, we are quite at a loss to discover upon what grounds Mr. Cooke should assert “that Swift was always ready to acknowledge Bolingbroke as his master.” When Swift was first introduced to Bolingbroke, he was of the mature age of forty-one. His mind was furnished with a rich store of knowledge, classical, historical, political, and literary. His style was already formed. His character as an author was established. He was fully conscious of his powers; and was not the person to call any man his master, least of all a young man of thirty. He met Bolingbroke as an equal, and in that equality ever maintained himself. What then had Swift, a country vicar, to throw into the scale against the preponderance of Bolingbroke’s rank? what, but his unrivalled talents? Again,

In which department, we should wish to learn, was Bolingbroke his master? Was it in poetry? In this province, at least, Bolingbroke was the scholar, and a very unpromising one. Was it in theology? Was it in classical taste and erudition? In these, again, Swift will not lose by the comparison. Of their relative merits, as masters of language, we will pronounce nothing categorically. It is too much a matter of mere taste. *Sub judice lis est*. Well, then it must be in the department of politics that Bolingbroke leaves his *pupil* behind, at such a hopeless distance. And yet, if the merit of political writings is to be tested by their effects, the balance here again will seem in favour of Swift. No compositions that Bolingbroke ever wrote or ever spoke, powerful and splendid as they are, produced effects bearing any comparison to those produced by Swift’s *Conduct of the Allies*, and *Drapier’s Letters*. On the effect of the former publications on the English mind we have already said a few words. But magical as that was, it was nothing compared with the overwhelming effect of the latter over the Irish nation.

The *Drapier’s Letters* not only turned the hearts of the people to him, as one man, but suspended the functions of

government, and erected the Dean of St. Patrick's into the autocrat of Ireland. The agitations of the storm were felt even in England, and shook Walpole upon his ministerial throne. He would have wished, but durst not venture, to arrest him. Swift, strong in the cause he had advocated, in his conscious integrity, and the attachment of the people, long enjoyed the popularity and gratitude he had so well deserved, and set his enemies at defiance.

It is scarcely necessary to enter into any formal vindication of Johnson and Warburton, against certain contemptuous aspersions of Mr. Cooke. All that we shall say, is, that when writers have passed from the scene a century, or even half of that period, and yet are remembered and read as generally as Johnson and Warburton, it is too late to demolish their characters by a passing sarcasm. To speak of them contemptuously, reflects ridicule on the critics—more than on the authors.

We had intended to have presented our readers with a brief analysis of the metaphysical opinions of Bolingbroke, which he has dignified with the title of *First Philosophy*; together with a compendious review of his arguments against the historical evidences of Christianity. But we have already exceeded the limits assigned us, and must postpone those parts of our subject to a future number. What we have further to add, is, that we are far from considering Bolingbroke either that prodigy of intellect, or that monster of vice, which his admirers on one hand, and his assailants on the other, have chosen to represent him. Yet do we believe that, if his moral principles had been sufficiently strong to regulate the course of his ambition, and control the impetuosity of his passions, he might have escaped those humiliations and calamities by which he was overwhelmed, and taken the highest station to which a subject is permitted to aspire. But so infatuated was he with the charms of power and pleasure, that, after pursuing them to his ruin in early life, he sat down deliberately, in his maturer years, to devise theories and arguments in justification of his practice. His political treatises, as we have before observed, were evidently written with that design, and his metaphysical systems bear decisive marks of being constructed with an oblique view to an apology for his own vices. He takes infinite pains to

persuade himself that God neither exerts any providence here, nor any retribution hereafter; and therefore the ambitious man may pursue power, and the voluptuary pleasure, to any excess, or in any form, without apprehending either present compunction, or future punishment. Whether he succeeded in convincing himself of the soundness of his doctrines, is very doubtful; that he has not gained many converts may be inferred from this—that the merited unpopularity of his philosophical works has contributed to that neglect and disrepute into which his political treatises have undeservedly fallen, and left a stigma upon his name, which his splendid talents have tended rather to expose than palliate in the eyes of posterity.

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#### ARTICLE X.

*Les Cours du Nord dévoilées; ou, le Secret de Töplitz.*  
 Par un Ancien Ministre résident à la Diète de Francfort.  
 Paris: Decembre 1835.

UNDER this pretending, and somewhat affected, title, we have been surprised to meet with one of the ablest pamphlets, on the foreign policy of France, and its relations to the great Northern coalition, which has issued from the press of that, or any other, country. We are not prepared, indeed, to assent to all the positions which the author attempts to establish with regard to the objects of the congress, which was so mysteriously convoked, and so secretly conducted, last autumn, in the depths of Bohemia. Yet, they may be looked upon as ingenious suppositions, which deserve more attention than is usually bestowed on political prognostications,—because they evidently proceed from the pen of one, who has a close knowledge, and probably some actual experience, of the intrigues which he describes. We may be mistaken as to the immediate ends of the meeting of the three sovereigns; but the light which our author throws upon their ulterior designs, and the contrasts which he draws between the efficiency of their diplomatic agents, and those of the French government, furnish new and important information, to awaken the attention, and strengthen the policy, of western Europe. In the article on the Prussian Commercial

League, in our last number, we described the influence which Russia has long exercised over the German confederation—the skill with which, as early as the year 1828, she pointed out “*le rôle de la Prusse*”—and the tenacity with which she has forwarded *her* continental system, in the presence of changes which threatened the peace of Europe. The apathy, with which France and England have viewed the policy of the Northern courts, is now dispelled; every day brings us fresh tokens of the rising anxiety and indignation of the English people; and the meeting, which took place at Töplitz, has furnished grounds for endless conjectures and increased apprehension. We are tempted to give the passage, in which the author of the pamphlet before us describes the relations of France and England to the Northern powers, under these circumstances.

“When the three sovereigns of the North met at Töplitz and at Kalisch, the journals of all parties, in France and in England, were equally at a loss to determine the motives and the object of that mysterious meeting. It was the first time in the history of European diplomacy, that two powers, which had heretofore boasted of a preponderating influence, found themselves shut out from a solemn congress, by the sovereigns of three great continental nations. The Quadruple Alliance had indeed been secretly concluded by the respective ministers of France and England, but its object was explicitly avowed after the treaty had been ratified. The formation of an exclusive congress by the Northern powers, for the express purpose of discussing secret questions, if it does not amount to an act of hostility towards their two great allies, cannot but be regarded as a certain proof of the distrust and ill-will which the sovereigns of Russia, Prussia, and Austria, bear to those of England and of France. The complete ignorance of the cabinets of St. James and of the Tuileries, as to the questions which were agitated at the Congress, is the most disgraceful part of the occurrence. The language which has been held by the Emperor Nicolas to the municipality of Warsaw, and the attitude of the Northern powers—emboldened by their recent conference—has excited the indignation and the alarm of the press in England and in France. And the public demands with impatience some explanations on the subject of the intrigues which have been so obscurely carried on at Töplitz—explanations, which it is the duty of the well paid minister of Foreign Affairs, and of the ambassadors, who receive such ample salaries, to communicate. Previously to the opening of this celebrated congress, and during its continuance, these great statesmen lay, as it were, stretched along, with their ears to the ground, to catch the faintest sound from the mine which was being prepared at Töplitz. But it will not be difficult to demonstrate that we shall derive no information from their reports.

“What generous citizen can contemplate the journeys, the excursions, and the frequent interviews of the allied sovereigns of the North, without a feeling of grief and anxiety? A feeling which will be increased from day to day, when he reflects on the vague and inadequate opinion which is entertained in the West of Europe of the dangers which threaten it from the East.”—(p. 1—3.)

The author goes on to state his opinion that the conferences of Töplitz, from which the agents of the British and French cabinets were excluded, sufficiently attest the loss of their former political influence, and the inability of those governments to oppose, or to anticipate, the aggressions and the designs of their adversaries.

The origin of the two great systems, which absorb all the interests and all the accessory questions now agitated in the movement of European politics, may be traced to the years 1820 and 1823. The former of these systems received its impulse from the influence of England; and at the time of the sentimental Spanish campaign of the Duc d'Angoulême, it was foreseen that the hopes of the liberal party, throughout Europe, depended on the maintenance of a coalition between the constitutional powers of the south, destined to counteract the absolutist influence of the Holy Alliance, which the Emperor Alexander had succeeded in forming to serve the purposes of his mystical ambition. At that time, the policy of the Restoration presented a fatal and insurmountable obstacle to an alliance, which might have seconded the influence of England in behalf of the liberties of Europe.

The second system, on the contrary, which was headed and directed by Russia, was followed with constancy by the Restoration. So much had been said of the magnanimity of the Emperor Alexander, during the transactions of 1816 and 1818, that the elder branch of the Bourbons conceived itself to be indissolubly wedded to the policy of Russia. At one time this feeling was so strong, that the Count Pozzo di Borgo, who was then the Russian ambassador in Paris, may almost be said to have belonged to the French cabinet; he was consulted on the affairs of state, as if he had been one of the ministers; and ample means were at his disposal for maintaining the preponderance of the system, and the interests of the government which he represented.

In the year 1828, during the campaign of the Russian army on the Balkan, this devotion of the French cabinet to the policy of Russia was peculiarly manifest. It is impossible that a cabinet of tolerable sagacity should not have discerned the object of the Czar's ambition. The lances of the Cossacks pointed to Constantinople—as the term of their expedition;

and France was as much interested as England, in preventing Russia from obtaining the supreme command of the Bosphorus. But the Count de Laferronnays, who was entirely devoted to the interests of Russia, was at that period minister of foreign affairs in France: and the Duc de Mortemart, who was no less imbued with Russian principles and feelings, was the representative of France at the court of St. Petersburg. Under this two-fold influence, no attention was paid to the well-grounded remonstrances of other powers; it was in vain that Prince Metternich solicited the French government to accede to the league which had naturally been formed between the cabinets of Vienna and of London; it was in vain that the Duke of Wellington seconded the representations made by the Austrian cabinet;—the minister De Laferronnays was deaf to these observations. In the meantime, Count Pozzo di Borgo did not cease to allure the French government by every possible means—by hopes which could never be realised—and by hints that the frontiers of the Rhine might perhaps be the recompense which France would receive for the support she gave to Russia. M. de Laferronnays rejected the co-operation of England and of Austria at that critical juncture; and the policy of France remained blindly subjected to the designs of the cabinet of St. Petersburg.

Whatever may be thought of the errors and the strange illusions of the Prince de Polignac, it must be admitted that his accession to the head of affairs was marked by a signal alteration in the foreign policy of his country. The political capacity of the Prince de Polignac was certainly very circumscribed; but he had acquired a certain experience in the transaction of business, and he derived, from his long residence in England, and his intimacy with British statesmen, a tendency which was decidedly more in harmony with the policy of St. James, and more opposed to the projects of Russia, than that of the Comte de Laferronnays. To counteract this propensity, Charles X. was in the habit of dictating dispatches to the Prince Jules, whom he always treated more as his private secretary than as the prime minister of France. The King preserved his intimate connexion with the Emperor Nicolas. He displayed much coldness and much ingratitude to the English cabinet; and he forgot that when his brother, Louis

XVIII., received the Order of the Garter upon his restoration in 1814, that prince had said, that, "after God, he owed his "crown to the Prince Regent."

Whilst the influence of France was thus subjected to the direction of Russia, by the base or misguided policy of the individuals who were at the head of affairs, the efforts which England had made in the cause of the liberal communities of Europe, were paralysed by the defection of her neighbour. The battle of Navarino was the finishing stroke of that pernicious system, which destroyed so many irreparable bulwarks in the East. The excitement, occasioned by the Greek insurrection, was successfully encouraged by Russia; Germany became the theatre of fresh intrigues, which gradually, but powerfully, affected the policy of all her numerous sovereigns, —the language of her press—and the liberties, or hoped-for liberties, of her people; whilst years were allowed to elapse, before the diplomatic agents of France either resisted or discovered the boundless activity of the Northern powers. The statement of the different means pursued by the powers of the North, and those of the West, is forcibly and judiciously given in the pamphlet before us.

"It cannot be doubted that the younger nations of the North exercise all their faculties, and employ all their resources, with a view to the acquisition of future preponderance; whilst the states, which are in possession of advantages long-since acquired, continue mechanically to tread in the same antiquated routine.

"A new era in European diplomacy commenced at the time when the sovereigns, combined against France, saw themselves compelled to call to their aid the opinions, feelings, prejudices, and passions of the people, and to give a new impulse and direction to public opinion.

"Most of the diplomatists quitted the solitude of the cabinet, which, till then, had been their exclusive retreat, and mingled with the people, for the purpose of taking into their own hands the management of the public press, and directing the tendency of the literature of the day. The insurrection in Spain, in 1808; the insurrection in the Tyrol, in 1809; the battles of Aspern and Esslingen, in the same year, where the Austrian *Landwehr* combatted for an idea—a principle so contrary to the spirit of the Austrian army in the preceding campaigns; the adventurous expeditions of Schill in Thuringen, of Dörernberg in Westphalia, and of the Duke of Brunswick, who penetrated as far as Lubeck, at the head of three thousand volunteers, for the purpose of exciting the north of Germany, and the arrival of a legion of German volunteers in Spain, to fight against Napoleon, were the first effects of the new political levers, which the cabinets of the North employed. What then ought to have been the policy of their political rivals at such a crisis? They should have studied thoroughly the tendency of the spirit of the time, in order to have unravelled the thread of the machinations

directed against them, and to have discovered the mine that was sunk beneath their feet. It was on this ground alone that they could have hoped to have grappled with the secret designs of the allied monarchs. Not only should they have been careful never to crush public opinion, but they should have sought to give it a direction favourable to their own interests—in one word, to follow, step by step, the policy of their adversaries.”—(p. 8, 9.)

After showing that the fall of Napoleon is mainly to be attributed to his neglect of those means which the Northern powers were exerting against him, at the very time when he was flattered by their official agents, and that his camps were filled with the armies which he had forced into his alliance, the author proceeds to show, that no steps were taken by the French diplomatists to counteract the influence which had been so fatal to the Imperial régime. The peace of the Restoration, which lulled them into repose, and the treaties of 1814 and 1815, which were the spells of their security, were to Russia “*un relai de plus sur la grande route Européenne.*”

“What, then,” continues the pamphlet; “what have the French and English governments done to counteract these intrigues? Have they organised their embassies so as to obtain the best and readiest information as to the sentiments of the people and the march of intellect in the foreign states in which they reside, and the influence exercised upon them by the other powers? In Germany, especially, it is easy to perceive the difference in the activity and intelligence of the various European embassies, and to appreciate accordingly their respective merits. In the greater capitals, they escape observation; but this is by no means the case in the smaller German residences; Dresden, for instance, is the rendezvous of a great portion of the European diplomacy. The number of persons employed in the embassies of the northern courts is very considerable, and those attached to the Russian embassy have, as everywhere else, the majority. They may be seen everywhere in society, in all the literary coteries, at every public place expressing themselves in the purest German, and by degrees mixing entirely with the people of the country. The French embassy is the only one of which almost nothing is heard. The persons who compose it never quit that society in which French alone is spoken, and are thus entirely confined to the circle of the *corps diplomatique*. The embassy at the court of Dresden is, however, of the greatest importance to all the cabinets of Europe, who are interested in the political situation and future fate of Germany; and Leipzig also, which is only a few leagues distant from Dresden, is the point of centralisation for all the literary activity of Germany,—the focus in which all the ideas, hopes, and fears, of the nation are united. It may be questioned whether the French government has ever required from its diplomatic agents any reports as to the changes of public opinion in Germany, either with regard to France or any other nation. With regard to Russia, for instance—in a country in which neither the liberty of the press, nor political debates exist, observation is the only means by which the secret designs of the government can be discovered; and it is precisely in those countries, where national opinions are stifled by the



censorship of the press, that it is most easy to detect the hidden policy of the rulers. Again, it may be doubted whether the diplomatic agents of France at Munich, a town at so short a distance from Augsburg, have ever addressed to the government a single report as to the origin of those semi-official articles that so frequently find their way into the Augsburg Gazette, the importance of which is seldom seen by the French politicians, who are incapable of understanding all the allusions contained in them, and who are moreover unacquainted with their course. So active, on the other hand, is the diplomatic vigilance of Russia, that the embassy of that court in Dresden caused, some time since, a little German keepsake to be confiscated, because an unfortunate novel writer had dared to introduce a tale, founded on the assassination of the Emperor Paul, in 1799. Thus, not the slightest occurrence in Germany escapes the observation of the cabinet of St. Petersburg. Germany, which was the theatre of the last great European conflict, is now the mark at which the political intrigues of Russia are aimed; and it will doubtless witness the issue of that great struggle, on which depends the freedom, or the subjection, of Europe."—(pp. 11—13.)

These remarks may be applied with equal justice, we believe, to the general character of the British legations in Germany; and notwithstanding the great changes which were necessarily brought about by the revolution of July, there is no reason to suppose that the diplomatic agents of France were more trusted, or enabled to act with greater vigour, under the government of Louis Philippe than under that of Charles X. During the Restoration, a tendency to cherish whatever encouraged the hopes which had been formed of establishing the royal authority on more absolute principles had induced a blind compliance with the purposes of Russia. After the Revolution, the desire of peace, and the internal difficulties which awaited the new dynasty, necessitated the adoption of a temporizing line of foreign policy—which frustrated the hopes of the liberal party in Europe, abandoned Poland to its fate, and diminished the influence of France in the councils of the European powers.

The accomplishment of so complete a revolution without violent hostilities, and without those great military movements which disturb the foundations of empires, is indeed one of the rarest occurrences in history. The changes which have taken place in Europe during the last two centuries have always been followed by war. Louis Philippe does not owe his crown, like William III., to battles, such as those of the Boyne, or La Hogue; nor has his system been consolidated, like the power of Napoleon, by the uncertain issue of a hundred fights.

But he has been enabled to retain that perilous eminence, to which he was raised by so violent an ebullition of popular feeling, because his personal influence and talents were felt to be the best security which could be had against the general disturbance of Europe—because his accession was at once recognised by the *corps diplomatique* at Paris—and because his foreign policy has been governed by the strictest rules of prudence, amounting sometimes to pusillanimity, and frequently neglecting the immediate interests of France, to secure the good-will of the Northern powers.

Nevertheless, the impulsion which France had received from her last revolution, removed all doubt as to the policy she must ultimately pursue. The government might, indeed, be able to propitiate the Russian cabinet, with a view to the maintenance of peace in Europe; the sacrifices which it was willing to make to the Czar might deter him from openly espousing the cause of the elder branch of the Bourbons; but the policy of France was thenceforward inseparably united to that of Great Britain, and the only firm alliance which she could contract was with a people governed, like herself, by free institutions, and advancing, like her, in the track of social reform. Placed between the Russian and the English systems, Louis Philippe found that it was his first interest to temporize; but his own personal opinions, and the principles of his government, left him no shadow of a doubt as to his final choice. This position was, indeed, sufficiently evident, within a very short time after his accession to the throne. One of the first acts of the new king was the nomination of Prince Talleyrand to the French embassy in London.

M. de Talleyrand had powerfully contributed to induce Louis Philippe to accept the crown; and he at once acquired an immense importance in France. During the last five years of the Restoration, the bodily infirmities which are incidental to his advanced age, seemed to have impaired his mental faculties. He had even lost that elegant facility in conversation, and that graceful flow of wit and anecdote, to which he owed so much of his celebrity. But, as if he had been roused by the tumult and the triumph of the days of July, that “old man politic” resumed his place in the council of the

prince; and displaying at once all the resources of his ability and his experience, he undertook to construct the system, which was to connect the destinies of regenerated France with the interests of Europe.

The alliance of France and England, for the purpose of repressing the unlimited aggrandizement of Russia, had always been a favourite project of Prince Talleyrand. During the empire, he laboured with Fouché to realize this design; and he tried to persuade Napoleon to conclude a peace with England. Such was the object of the celebrated negotiation of Labouchère. In 1814, M. de Talleyrand entered, for a short time, into the views of the Emperor Alexander, in order to ensure the restoration of the Bourbons; but at the congress of Vienna he deserted the interests of the Russian cabinet, when the fate of Poland and of Saxony was under discussion; and he joined Prince Metternich and Lord Castlereagh in the secret treaty of the month of February 1814, which was intended to establish a standing force against the Russian system. At the time of the second Restoration, the hatred which the Emperor Alexander bore to Prince Talleyrand knew no bounds; Louis XVIII. was compelled to sacrifice that able adviser to the personal resentment of his ally; and the ministry of the Duc de Richelieu was then formed, under the auspices of Russia. Thenceforward the influence of M. de Talleyrand gradually diminished;—the Restoration, which owed its existence to his services, scarcely consulted him in 1830. But with Louis Philippe all his influence returned—and the diplomatic views of M. de Talleyrand were adopted as the basis of the system pursued by the new government.

The object of this system was simply to found a lasting alliance between France and England—not based upon the transient interests which affected them in common, but upon the similarity of their institutions, and the harmony of public feeling in the two countries. The principles, which thus connected the cabinets of the Tuileries and St. James's, could not but be strengthened by the dangers which threatened them both, from the ambition and the barbarism of the North. Starting from this wide basis, all the questions which might

arise in the course of events would be disposed of—as merely *accessory* to the great and lasting purposes of the united policy of the two nations.

It was soon discovered that Louis Philippe, like all the princes of the House of Bourbon, reserved the direction of foreign affairs to himself: and many important dispatches, and secret missions, constantly emanate from the private cabinet of the palace, through Baron Fain—the King's confidential secretary. Like George III., Louis Philippe disdains the constitutional inactivity of a limited monarchy; and the responsible ministers have not unfrequently had to bear with the irregular exercise of his authority. The King of the French prides himself on his diplomatic ability. His attention is rapidly directed to all the varying incidents of European politics, with the skill of an experienced player. But if he has succeeded in maintaining that peace which is the chief object of his policy, it may be apprehended that he has too often compromised the dignity, and lessened the influence of France—either from personal motives, or from the want of *data*, which his diplomatic agents neglected to lay before him. M. Molé, who was made minister of foreign affairs after the revolution of July, gave in his resignation because the King persisted in carrying on a correspondence with Prince Talleyrand, which was not countersigned at the foreign office in Paris. He was succeeded, first, by General Sebastiani, and on the removal of that diplomatist to the London embassy, by Admiral de Rigny; two men, whose chief merit consists in their discreet adherence to the personal views of Louis Philippe.

In our last number we described the political character of M. de Broglie; his aristocratic manners afford a striking contrast to the habits of the *Royauté Bourgeoise*; and his decided tone and firmness in the cabinet, frequently clash with the subtle but commanding views of the King. Indeed, it is probable that, if M. de Broglie was not inseparably connected with M. Guizot and the *Doctrinaire* cabinet, the place of minister of foreign affairs would again be filled by General Sebastiani.

In the choice of his ambassadors at the principal courts of Europe, Louis Philippe has displayed great sagacity; though his wary policy has sometimes led him to substitute inefficient men for those who would have upheld the interests of France

with greater vigor. In 1830, he selected Prince Talleyrand as the representative of the new dynasty at the conferences of London; and when those memorable negotiations were terminated, the prince was succeeded by one of the King's most confidential servants. It was the original intention of Louis Philippe to retain the Duc de Mortemart, in the embassy which he had filled under Charles X., as the representative of the French government at the court of St. Petersburg. At the time, the mission of that nobleman gave rise to innumerable conjectures; it was supposed that he was sent not only to express regret at the turn which affairs had taken, and at the changes caused by the revolution, but even to make arrangements and take engagements which might, at some future time, be favourable to the Duc de Bourdeaux. These conjectures were certainly unfounded; for whatever the personal sentiments of the Duc de Mortemart might have been, he was not authorised by Louis Philippe to make any advances of the kind. It was found, however, to be impossible to retain the diplomatic agent of the former government at that important post. He was first succeeded by Marshal Mortier, Duc de Trévise; and when the incompetency of that individual became sufficiently manifest, he was replaced by Marshal Maison, who remained in Russia until he was recalled to fill the office of minister of war, which he still holds. M. de Barante, who has recently left Paris to assume the place which was left vacant by the preceding diplomatists, was not chosen by the King. His chief recommendation was his personal intimacy with M. de Broglie and M. Guizot; his chief merits are in his literary attainments, his wit, and his manners. It may, however, be questioned whether these qualifications fit him to act the important part which he may be called upon to fulfil. M. de Barante is deficient in firmness of character; he is unacquainted with Russia; and his qualities are not of the kind most fitted to distinguish him in the midst of a military nation. It had always been customary for the French government to send to Russia some general who could follow the gigantic enterprises of the Czar, study the disposition of the troops, and form a just opinion of the tendency of the military operations undertaken by the army. The more intricate the relations of France and Russia became, the more important was it to weigh the

choice of a diplomatic representative maturely, and to avoid exposing a man of contemplative habits to the difficulties of a situation in which the greatest energy may be required. M. de Barante might have been excellently well-fitted to the courts of Vienna or Berlin, but he is misplaced at St. Petersburg. In that capital he will have to act, with the chances of a rupture of interests and relations before his eyes; and it is to be feared, that M. de Barante is imperfectly qualified to perform all the various duties which may arise, in so important a situation, at so momentous a crisis.

The same policy, which has induced Louis Philippe to send the most moderate of his diplomatic representatives to the court of Russia, dictated the line of conduct which was pursued by his government with regard to the embassy at Constantinople. When the revolution of July broke out in France, General Guilleminot, who had been an officer in the Duc d'Angoulême's staff, during the Spanish campaign, was the ambassador at the Porte. No sooner had he learnt the important events, which so obviously changed the existing relations between France and the other powers, and especially Russia, than General Guilleminot conceived a bold and somewhat hazardous project, on his own responsibility, without any previous instructions from the new government. This project consisted in inducing the Porte to arm itself in secret against the power of Russia, in order to make a diversion in the East, in case Russia should attempt to advance a step towards the West of Europe. Such had been the policy of Napoleon, in 1812, before the campaign of Moscow. The insinuations of General Guilleminot were listened to with some attention; but means were found, by the Russian spies, which throng the divan, to communicate the notes of the French ambassador to the Emperor Nicolas. As Louis Philippe was neither inclined, nor prepared, to proceed so rapidly, or so vigorously, General Guilleminot was recalled, and his conduct was disavowed. He was succeeded by Admiral Roussin, who has few of the qualities required to counterbalance the growing influence of Russia in Constantinople. It has been the great error of Louis Philippe to treat the Eastern question, from the first, as a point of secondary importance. His first object has been to consolidate his throne;

and the principal means, by which he conceived that end to be attainable, has been the preservation of peace; to that end he has not been unwilling to sacrifice the influence and those principles, which would have been the surest guarantees of the honour and prosperity of France.

The French embassy at Vienna is filled by M. de St. Aulaire, who has the same literary pretensions as M. de Barante. As a man of quality, he is no unfitting personification of the French marquises of the ancient *régime*; but, although he can boast the graces of a courtier, he is deficient in the penetration and comprehensive activity of a statesman. M. de St. Aulaire has identified himself at Vienna with the politics of Prince Metternich. He has been content to follow and approve, where he ought to have led the Austrian cabinet into a closer alliance with the French government. He might have fanned the incipient jealousies with which Prince Metternich watched the conduct of Russia, in the affairs of the East. He might have convinced the Austrian cabinet that the intimate alliance of Russia and Prussia is a source of numberless perils to her interests, on every side; that, on the West, the issues of the Danube are already guarded by the former power; and, on the East, the influence of Prussia claims an exaggerated preponderance in the Germanic Confederation. It became the duty of a French minister at Vienna, to counteract, by every possible means, the influence which the Czar is said to have acquired over Prince Metternich by the agency of gold—to strengthen the ties which unite Austria to her Slavonic States—to warn her that her share of the Polish booty is already marked out as the object of Russian conquest or Russian perfidy—and that the interests of Austria are identical with those of France and England, in resisting the common enemy.

We have gone into these details, relating to the diplomatic agents of France, because they are necessary to explain the conduct of the French government, as a member of the Quadruple Alliance, toward the northern states, which met in conference at Töplitz. We now turn to the disturbances which arose out of the Revolution, and which threatened, on three different spots, to kindle the actual hostility of the three powers. We allude to the Belgian revolution, which more

especially affected the government of Prussia ;—the Polish war, by which the sympathies of the French nation were so warmly excited against Russia ;—and the insurrections in Italy, which, for a time, rendered the communications of the French and Austrian governments exceedingly delicate and precarious.

The King of the French immediately perceived the extent of the dangers to which the Belgian revolution exposed him ; and he certainly looked upon that event as one of the most untoward consequences of the Revolution of July. On the one hand, the movement party demanded the immediate union of Belgium with France—without reflecting that such an act would have been a flagrant violation of treaties, and that it would inevitably have led to an open rupture with England—since all parties in this country would have deprecated the possession of Antwerp by the French. The kingdom of the Netherlands had been created, by the policy of England, at the Congress of Vienna. It had been protected from the possible encroachments of France, by a line of fortresses, which were placed under the inspection of the Duke of Wellington. Under these circumstances, Louis Philippe peremptorily refused the union of the two countries, which was secretly proposed to him by the Belgian deputies ; and when M. de Lafayette seconded their offers, and suggested the extension of the French frontiers to the Rhine, he replied, “ *Mon cher Général, souvenez-vous que Jemappes et Valmy furent suivis de 25 ans de guerre.*” M. de Talleyrand strengthened the king’s resolution ; and by his able conduct, the affairs of Belgium were arranged, without awakening the jealousy of England or the hostility of Prussia.

The difficulties, which arose out of the Polish revolution, exhibited, on the contrary, the irresolute and double-sided policy of Louis Philippe, in its worst colours. The influence of Count Pozzo di Borgo had so entirely paralysed the French ministry, that the demand which had been made by the English government, to join in a common protest, in favour of the existence of Poland, was eluded—and events were left to take their course. The timid notes, which were ultimately addressed to the victorious Czar by the cabinet, were treated with every mark of contempt ; and language was



used, which scarcely fell short of the brutal and barbarous address made, on a more public and recent occasion, to the municipality of Warsaw. It cannot be supposed that the same answer would have been made, if France and England had uniformly acted in concert. The Emperor of Russia was emboldened by the hesitating language, and the isolated character, of the representations addressed to him. On that occasion, the fundamental and necessary union of the policy of France and England, which is indispensable to the success of their measures, was lost sight of. The same union ought now to be shown in the nomination of French and English consuls, accredited to the free town of Cracow; a point to which we drew the attention of the public in our last number, and which we are happy to learn has attracted the serious attention of both cabinets. The same union must extend from the east to the west, making itself heard from the divan of the Grand Signior to the mountains of Navarre. As long as France and England speak or act alone, they are listened to with comparative indifference, or they are deceived by paltry excuses; but if they once for all combine their forces, their flags, their diplomatic agents, and their national principles, they will assume an aspect most fitted to command respect, and to consolidate, if it be possible, the peace of the world. France would abandon her part in European politics, if she were not to appreciate all these duties of her position; and she can no more remain neuter between Russia and England, than she can be indifferent to the progress of knowledge, or callous to the invasion of barbarians.

The insurrections which broke out in Italy, soon after the revolution of July, were almost as immediately connected with that great event, as the revolution in Poland; and the dangers which seemed to threaten the interests of Austria on the other side of the Alps, appeared to emanate from France. If the French government had countenanced and assisted the revolutionary movements in Modena, Parma, and the States of the Church, it might have been possible to form a state which would have served to counterbalance the influence of Austria in the Lombardo-Venetian kingdom. But the first object was the maintenance of peace—and especially of peace with Austria, whose interests must ultimately lead her to join that

southern coalition to which her principles are opposed. The correspondence of Prince Metternich, at that period, is exceedingly curious; far from pursuing his customary policy of concessions and half-measures, he declared that he was firmly and irrevocably decided to take the most rigorous steps, if they were necessary, to prevent revolutionary principles from penetrating into Italy. M. Casimir Périer, who was at that time president of the council, displayed an equal firmness on his side; and although he did not share the propagandist policy adopted by M. Laffitte, he resolved upon the occupation of Ancona by the French troops. Since that time, a better understanding has arisen between Prince Metternich and the French minister for foreign affairs: the course pursued by the government has been sufficiently *repressive* to satisfy the chancellor of the Austrian Empire; and since tranquillity has been restored in Italy, the relation of France and Austria may be contemplated with more temper by the former country, and with less apprehension by the latter. Still, the removal of the French troops from Ancona is, perhaps, the object of the increasing display of intimacy and cordiality which has marked the more recent conduct of the Austrian ambassador towards the cabinet of the Tuileries. In the meantime, the French government may be said to have owed its existence to the two opposite characters which it has affected to assume;—at home, it was obliged to boast of having adopted the principles of the revolution of July, in order to retain the support of the liberal party, as long as it required that support;—abroad, its chief object was to abjure the revolutionary designs, which had excited the alarm of all the sovereigns in Europe. To these contradictions, which are more apparent than real, many of the difficulties of its position may be traced.

At whatever sacrifices of consistency, and of political integrity, the stability of the Doctrinaire administration has been obtained,—there is reason to hope, from the conduct of the government, and from the recent language of its most accredited supporters, that it will be able and willing to persevere in a line of foreign policy, more bold and salutary than that which it has hitherto adopted. If the Congress of Töplitz was intended to furnish an opportunity to the Northern Powers, of maturing plans which would virtually reduce the

German Confederation to a mere retinue of princes, dependent on Prussia in the North, and on Austria in the South,—if the policy of Russia is henceforward to be the indirect and invisible, but supreme, rule of the German States,—if the same power which has created a commercial league against England, should succeed in putting a political league into motion against France—if, in short, the statements of the pamphlet, which professes to unveil the secret of that Congress, be not unfounded—then the only hope of the liberal states of Europe is, to dissolve the tie which binds Austria to an alliance so prejudicial to her own interests, and to resist throughout the world the arts, the threats, and the demonstrations, which menace the political and commercial liberties of England and of France. Whether this great warfare be carried on in the cabinet, or in the field, it is one which will demand the unceasing exercise of national energy. We have dwelt at some length on the characters of those who direct the diplomacy of France, because they are instruments in the cause we ourselves perseveringly advocate. But it is not merely by diplomatic address, that the objects, which they ought to have in view, can be attained. They will need the support of public opinion;—they must seek all the light that can be collected, to guide them onwards;—they will, perhaps, require sacrifices of blood and treasure, to defend the barriers of civilisation, the laws of public justice, and the rights of nations.

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#### ARTICLE XI.

*A Letter to the Right Honourable Viscount Melbourne on the present State of the Appellate Jurisdiction of the Court of Chancery and House of Lords.* By the Right Honourable Sir EDWARD SUGDEN. London: 1835.

It cannot be denied that the present state of the Chancellorship gives great and general dissatisfaction, to all persons concerned with the administration of justice in the Court of Chancery, or in the House of Lords: and the dissatisfaction appears to us as just as it is general. The reason, however,

urged by the government, for keeping matters in this state is most sufficient. In answer to a question from Mr. Lynch, at the end of last session, Lord John Russell declared that it was the intention of the ministry, at an early period of the next session, to introduce a Bill for the separation of the judicial from the political functions of the Chancellor; and that the present arrangement was merely adopted for the period, which must elapse before that measure could be prepared, and carried. The public hailed this promise with delight. The prospect of that long-desired and useful reform, produced a perfect willingness to put up with the evils which it was necessary to endure in the interval. We cannot doubt that so great a change in so important a matter, had been deliberately weighed and firmly resolved upon, ere it was promised—that, in accordance with that promise, it is the intention of ministers, at the earliest period of the session, to introduce a measure, which it would, indeed, be most culpable to delay—that already a bill for effecting the new arrangement has been carefully prepared, after much meditation and consultation of learned men—that it has been much canvassed by the cabinet, and will be produced in a shape of completeness, which will mark that its authors estimate the importance of the task which they have undertaken, and are duly qualified to perform it.

It was not, however, to be expected that ambitious lawyers, or prejudiced politicians, would receive with satisfaction the announcement of a change so great, so conformable to improved, so repugnant to antiquated notions, and so destructive of the splendor of that, which has been always the most brilliant of a lawyer's prospects. Nor was it to be supposed that party men would defer to the general desire for the promised reform, or omit the favourable opportunity, of directing public attention to the evils resulting from the Great Seal being in commission. We were, therefore, not surprised to hear that Sir Edward Sugden—the most ambitious of lawyers, and the most violent of Tory partisans—had written a pamphlet, attacking the ministry for the evils of the present arrangement, and opposing the change, which they contemplate. We were not surprised at finding the indiscriminate praises of his party lavished on their great lawyer's effusion. Had we found it

deserving of any praise—had we found anything in it save the merest common places—had we found even these expressed with vigour or correctness—we should not have withheld our approbation; but this agreeable task has not been reserved to us.

It is with some difficulty that we bring ourselves to state such an opinion of a work of Sir Edward Sugden's. We cannot help feeling as if it were impossible, that we can be justified in speaking in such terms of the production of a man, whose legal knowledge, and whose intellectual power, in the handling of legal subjects, we very greatly admire. But a long experience has taught the world, that in Sir Edward Sugden's political writings, it is to expect nothing worthy of his legal fame. His zealous hostility to legal reform has before this impelled him into the lists as a pamphleteer: and as a parliamentary debater, he was never loth to make a display of his varied want of information, on any subject that chanced to come before the House. In both capacities he has given the world ample opportunities of judging of him. As a political writer, he has not succeeded in establishing a claim even to mediocrity; and among the proverbial parliamentary failures of lawyers, his has been the most signal. It is thus that the intellectual pride of man is checked, by mortifying exhibitions of the limited range, within which very powerful minds can work with effect, and of their deplorable incompetency to grapple with any difficulties, save those which a long experience has trained them to encounter. This wholesome lesson of humility is most forcibly impressed on us by the exhibitions, which men of great professional eminence constantly make in political discussions. The science of politics—the right mastery of which can only be attained by a mind trained in the best intellectual habits, and stored with the most varied and accurate information—requires, it would seem to be universally agreed in this country, no apprenticeship. Men, whose lives have been spent amid the toils of war, or the perils of the sea—whose minds have been occupied with accounts and schemes of merchandise, or with the arduous technicalities of the law—think themselves instinctively competent to the decision of nice questions in politics, immediately that they

are presented to their attention. Hence the decisions to which they come—hence the prejudices which fill the vigorous minds of skilful warriors and expert jurists,—and hence the feeble clumsiness with which they wield the unaccustomed arms of political warfare.

That Sir Edward Sugden, who originally entered on his profession without the advantages of a liberal education, and who, in his rapid rise into professional eminence, has never found time, amid the profusion of business, to repair the deficiencies, of youth—that he should be ignorant of political science, is matter neither of wonder nor of reproach. But the strange thing is, that a man of his acuteness should be so little aware of his own deficiencies, and be possessed of so little discretion, as to reveal them. The unlearned public would do Sir Edward great injustice, if it supposed that his was one of those frequent legal reputations, which are founded on mere assiduous plodding among the cobwebs of the law. On the contrary, Sir Edward is not only justly renowned for his acuteness and power as an advocate, but has acquired even a more solid reputation by his legal writings, which all admit to be the most clear and logical of their kind that have been produced in the present day. It seems, therefore, strange that a writer so powerful, and so lucid in his treatment of legal subjects, should prove so singularly feeble and involved, when he endeavours to grapple with political questions. But it is this unfortunate failing that misleads Sir Edward Sugden. He probably thinks that his *dictum* will be decisive, without his being at the trouble of stating any grounds for it: and that the British public will pay as implicit deference to a pamphlet bearing his name on the title pages, as the attorneys were wont to yield to an opinion signed “E. B. Sugden.”

After declaring, as all party writers declare, that the author does not write as a party man, the pamphlet opens with the ingenuousness, and total absence of pretension, which mark the following observation:—

“If, indeed, I were to address you as a party man, it would not alter the spirit or tone of my observations, because I belong to a party who deem it their duty whilst out of power, not simply to abstain from offering any factious opposition to the king’s government, but to further the cause of good government in every department, without regard to the persons who constitute the administration.”

Does Sir Edward Sugden really hope to secure a favourable reception for his views, by commencing with this fulsome adulation of a party, whose freedom from factious feelings we all know how to estimate? and with this implied imputation on all who do not belong to that party? This might do for the Cambridge hustings, but it is not the language Sir Edward should use either to Lord Melbourne or to the British public. Of the entire absence of factious feelings he gives a fine proof in page 8. He accuses Lord Melbourne of "never having stated" to the representatives of the people, the cause of so unusual, "so detrimental a measure (as putting the Great Seal in commission), or proposed any plan for rendering its continuance unnecessary." Now, the cause assigned by Lord John Russell, in his answers to Mr. Lynch, was the contemplated measure of next session. It would be fairer in Sir Edward Sugden, instead of stating that no cause was assigned, to tell his readers that a cause *was* assigned, which does not meet with his approbation. He then goes on to say—

"There are but two great duties, which the state has to provide for—our security against external aggression, and the due administration of the laws; for the latter, unfortunately, your lordship's party do not appear to have been prepared."

This is a grave charge. When a man uses the term "administration of the laws" as comprehending all the "great duties" of a state, save that of providing security against foreign foes, and accuses political opponents of having accepted office without being prepared to fulfil this duty; we may expect him to prove, that no care has been taken to secure the administration of either civil or criminal justice—that rights have remained undecided—that crime has been allowed to go wholly unpunished—that the judges have left the courts and circuits—that the authority of the constable has been dormant—that the requisitions of the tax-gatherer have been unheeded. It turns out, however, that all the ground, on which this formidable accusation rests, is the fact, that ministers, to the full satisfaction of the great majority of the nation, have adopted a temporary arrangement with regard to two courts, with a view to effect in a few months a great reform, which does not happen to please Sir Edward Sugden.

From the beginning to the end of these pages, Sir Edward

Sugden goes on pouring forth sundry wise general propositions, expressed in the most trite, and often the most erroneous terms—so ingeniously placed as not to be very obviously deducible from what has gone before, or applicable to what is coming after them. There is something exquisitely ludicrous in the solemn complacency, with which some of the elementary propositions of jurisprudence are stated with all the parade of discovery. Sometimes, indeed, Sir Edward is so charmed with having hit upon an axiom, that he forthwith stretches it into an exaggeration. Thus, having discovered that, “the first duty of the state is to provide for the due administration of justice,” he goes on to tell us—

“It is not more the duty than it is the interest of the ruling party that this should be accomplished. Nothing so justly ruffles men's minds as a mal-administration of law, whilst no act of a minister so surely wins him general regard as a steady view to the public welfare in the filling up of judicial offices.”

We wish we could think so. But unfortunately, all our experience goes to convince us, that the public cares too little for the view with which judicial offices are filled up; and that a minister may make the best legal appointments, with little advantage to his own popularity, and go on for a long time making the very worst, without essentially weakening his influence, or seriously “ruffling men's minds.”

But in some cases, in which we find nothing to disagree with Sir Edward about, the grave complacency of his enunciation of truisms is most ludicrous. See, for instance, how he proves that the highest judge should be competent! that his decisions should carry weight! that the law should be steadily administered! that certainty prevents litigation!

“The important duties assigned to a Judge sitting in appeal, point to the necessity of appointing to the office, not merely a competent person, but one in whom the bar has confidence; for, if the judge has not the confidence of the bar, he will not acquire that of the suitors. The law, as he propounds it, should be the rule for all. The great object of an appellate jurisdiction, is at once to satisfy the justice of the individual case, and to keep the precedents uniform, and afford a standard for the inferior jurisdictions, and a sure guide for the practising lawyer. Whilst the law is unsteadily administered, no man at the bar cares to give a decided opinion, because he cannot depend upon the judge, and he justifies himself to the solicitors and the clients, upon that ground. Every thing upon which any possible doubt can be raised, is thus forced into court; and the very means adopted to ensure safety in the particular case, increases the general mischief, until the law, instead of a blessing, becomes a curse to the



people. To the first judge of appeal in this country, is assigned the highest station, in order to give to his decisions all the weight which power and dignity can add to their intrinsic merits. It is the homage which the state pays to the law. Such a judge may properly take all the aid he can acquire upon particular cases; but the law will not be satisfactorily administered unless *his own opinion* be the most honoured, and that he act upon it so as to preserve one uniform rule. Fixation, in matters of law, above all things tends to prevent litigation, and to make a people contented. It is not a light calamity," he gravely adds, "to have the law of the country unsettled, and perfunctorily administered for several months."—(pp. 3—5.)

In another passage, Sir Edward demonstrates that peers should not chatter to the Chancellor, during the hearing of an appeal,—that a judge should attend to counsel,—that the speeches of counsel should not be too long.

"Noble lords should not feel themselves at liberty to occupy the attention of the Lord Chancellor with any other subject during the hearing; and, above all, the Lord Chancellor should give to the argument his undivided attention. I know that nothing discourages a counsel so much, as the inattention of a judge: it has a tendency to render him indifferent to his argument; for it is very distressing, when one of great labour is thrown away; and if he persevere, it leads to repetition, which, in its turn, disgusts the judge; and the court and the bar become mutually dissatisfied with each other. If a judge give, as he ought to do, his undivided attention to the argument, he encourages the diligent, and stimulates the indolent, and he can always interfere with propriety when a counsel is rambling, or repeating his argument. The great object of a counsel must be, to impress the judge with his view of the case; he always desires to succeed: when he is satisfied that the judge comprehends him, his purpose is answered. It is made a ground of complaint now, as it has often been before, that the bar speak at too great length."—(pp. 19, 20.)

Soon after, there comes the wise and incontrovertible proposition, that "it is not often possible to satisfy the losing side."

All these remarks are very true; and it might, perhaps, be necessary, in the course of an argument, to refer to them separately, as acknowledged axioms. But the effect of their being presented thus in a mass, and unconnected, is perfectly ridiculous. One cannot make out why propositions, which are not disputed, should be thus solemnly enumerated, or what necessity there can be for impressing them on any man of common sense. It seems to denote a singular deficiency in the information, either of the person who utters these discoveries, or the person to whom they are told, as novelties. If we found them in a theme book, with the name of Master Sugden, aged 15, at the bottom, we should doubtless deduce from them a favourable opinion of the

young gentleman's proficiency. Or if we met with them in a little square book, with a woodcut of a judge in robes, and the preamble of "My dear little Boy," we should think them very appropriately placed:—but for one elderly gentleman to take the trouble of printing such instructions for the benefit of another—for an ex-Lord Chancellor of Ireland, to issue from his honoured and pensioned retreat, to teach the prime minister, that judges should know something of the law they have to administer, and should listen to counsel—we must say, that for this, we think there was no occasion.

From such samples of Sir Edward Sugden's reasoning, the reader will naturally conclude that the learned gentleman makes no very vigorous effort for the two great points, for which he contends—the first, that the political and judicial functions of the Chancellor should not be separated—and the second, that the appellate jurisdiction of the House of Lords should not be interfered with. Nor do we think that he succeeds very much better in enforcing his objections, in which, in our opinion, he is indisputably right, to the present system of keeping the Great Seal in commission. We see that some zealous partisans of *all* the acts of the ministry, have thought it necessary to defend the administration of justice by the Commission of the Great Seal. We entirely agree in Sir Edward Sugden's objections to this system; we only find fault with him for not putting his case as strongly as he might. The plan of appealing from the Master of the Rolls to the Vice-Chancellor, and from the Vice-Chancellor to the Master of the Rolls, appears most objectionable. The result must be, either that the two judges will make some sort of compromise, and constantly confirm each other's judgments, or obstinately maintain their own opinions, and as constantly reverse them. These two judges happen, Sir Edward states, to differ on a most important point of equitable law. Sir Edward seems to think that the effect of this, supposing both to be inflexible, would be, that no decision would be arrived at, and no order made on any matter involving the point in question. It seems to us, that it would sometimes be even worse; for the effect might be, that a plaintiff, by bringing his suit always in the first instance before the judge, whose opinion

he knew to be adverse to himself, might, by appealing to the other, get the matter ultimately decided in his own favour. Such a Court of Appeal can have no unity of decision and no authority. Its only merit is the strong light in which it puts the possibility of doing without that stage of appeal altogether. Under the present system, also, there is no responsible and constant judge in the House of Lords. Such a system is not in itself to be defended; and the supporters of ministers, instead of wasting their ingenuity in such a cause, would be better employed in enforcing on public attention, the importance of the reform, to which it is supposed to be subsidiary.

The functions of the Chancellor are at present three-fold. He is a minister; a judge of appellate jurisdiction in the House of Lords; and a judge of both appellate and original jurisdiction in the Court of Chancery. His ministerial duties consist of those of a minister of justice, as far as there is one in this country, of the speakership of the House of Lords, and of certain others of a more anomalous nature, such as the distribution of church patronage, and other matters for various reasons thrown into his department. He is responsible for all the great legal appointments, and all promotions at the bar; he is the head and superintendant of all the magistracy of the country; in some instances, as with respect to the Recorder's report, he superintends the details of the administration of justice. As the only representative of the law in the cabinet, he ought to be the chief adviser of all law reforms, and of all changes in the mode of administering justice. These are duties in themselves sufficient to occupy the whole time of a very able and industrious man. Coupled with the general political occupations of a cabinet minister, bearing his part in the councils of the administration, and in the debates of Parliament, they certainly make the office as laborious and as responsible a one as that of any of the ministers. In all other European countries, the minister of justice is a separate department: in England, the effect of its duties having been divided among other departments is, that they have been lamentably neglected. The speakership of the House of Lords, as far as relates to the political occupations of that House, is a ministerial office.

certainly not greatly taxing a man's intellectual powers, but still taking up no inconsiderable portion of his time. The business of distributing church patronage is one, which, we may presume, occupies some portion of a Chancellor's consideration; and the various heterogeneous duties thrown on his office, impose on him much additional responsibility and labour. The keeping of the King's conscience is doubtless also an arduous business: but, as we see no results, we cannot at all nicely estimate the difficulties of the task.

The Chancellor ordinarily presides over the judicial business of the House of Lords, and is, in fact, the working and responsible judge of that supreme and general appellate court of the United Kingdom. This tribunal is the highest court of appeal, for all the courts of common law and equity in England, Scotland, and Ireland. Were the tribunal what it ought to be—were it to sit constantly, to administer justice cheaply, promptly, and competently—the varied and important business that would come before it, would fully occupy the greatest legal mind in the country. As it is, its business is frequently ill done, and generally in arrear; although its enormous delay, excessive costliness, and frequent incompetency, keep the great mass of suitors from having recourse to it.

In the Court of Chancery the Lord Chancellor has an original jurisdiction, which he still exercises in cases of lunacy. But, since the appointment of a Vice-Chancellor, his chief business in the Court of Chancery, has been that of hearing appeals from the Master of the Rolls and the Vice-Chancellor. This business again is quite sufficient, if properly done, to take up the whole time of one man. The arrears of the Court of Chancery are proverbial; and at the present moment a long list of such arrears, proclaims the necessity of having the undivided energies of a competent judge directed to them.

The accumulation of duties so weighty and so diverse, in the hands of one individual, has long struck the public as anomalous and inconvenient. It is obvious that the qualifications necessary to enable a man to discharge some of these duties, are not often found in conjunction with those which fit him for the rest. The time required for one portion of the office, prevents the devotion of sufficient time to the other; and the tenure by which one part should be holden, is not the

same as that on which the other ought to depend. For the business of the Court of Chancery, the best chancery lawyer is required—for the judicial business of the House of Lords, a man best acquainted with the common, as well as equitable law of England, and with the law of Scotland, should be selected—for the ministerial business of the office, the fittest person is the most sagacious and popular statesman, and the most effective debater. As no individual, best qualified for each of these different functions, is ever to be found, the Chancellor has been usually selected, solely with a view to that one of them, which it is most important for ministers to have effectively discharged; and it is notorious that for a long time—we may almost say throughout our history—the appointment of Chancellor has been made with reference chiefly to the political qualifications of the candidate. The time being absolutely insufficient for the discharge of all a Chancellor's duties, his attention has been, in general, unduly devoted to his more interesting and agreeable—that is, to his political avocations. For the last fifty years, it has been matter of loud complaint, that the Chancellor has been frequently kept from his court by the necessity of attending cabinet councils; of taking part in parliamentary business; or of interfering in the court and party intrigues, on which his official existence depends; and that often while in court, the fever of political excitement, and the pressure of political thoughts, have distracted his mind from the attention which ought to be paid to the due speculation of the counsel, in the case before him. The tenure of this high judge's office ought, like that of other judges, to be permanent. The tenure of his ministerial power must, like that of other ministers, be made dependent on political arrangements, and the predominance of a particular party; but as the judge has, in this instance, been made subservient to the minister, the discharge of his most important duties, and the very principles of equity law, have been made dependent on all the shifting chances of party politics.

Our readers will perceive, from the view which we have taken of the question, that we should not be satisfied with a mere separation of the judicial and political duties of the Chancellor. It appears to us, that in the person of Lord

Chancellor are combined not two, but three distinct and incompatible offices. And as long as any two of these are conjointly held by the same person, we cannot but think that one or both of them must be incompletely discharged. The person fittest to be minister, is not the fittest to be a judge: the person best qualified for the administration of equity law, in the Court of Chancery, is not the person who has generally that knowledge of other branches of the law, that will best fit him to decide the multifarious cases, that are brought from various tribunals in every part of the United Kingdom, before the great Court of Appeal. It is not, however, necessary to create three Lord Chancellors instead of one. The two judicial capacities, in which the Chancellor acts, imply a double appeal in the same suit. In the Court of Chancery the Chancellor hears an appeal from the two inferior Chancery judges: in the House of Lords, he has to re-hear the same case in the form of an appeal from his own decision. Two stages of appeal for the same suit are, we conceive, unnecessary. And certainly the propriety of a double appeal is never less obvious, than when it is from a judge in one room, to the same judge in another. We would therefore relieve the Chancellor from one class of his duties by entirely abolishing them.

In choosing between the two courts of appeal, we should decidedly lean to the abolition of the judicial function of the House of Lords. Experience has shown the fitness of always keeping legislative, as far as possible, distinct from judicial business: and it seems to be generally admitted, that a legislative assembly should never, or but in a few cases of a political nature, act as a court of justice. Of all legislative assemblies, an hereditary body seems to be the least qualified for such business. The causes, which in practice obviate the supposed defects of an hereditary legislature, and those which invest it with peculiar qualities of usefulness, in no way act on an hereditary judicature. The fiction of the court being composed of all the peers, only leads to an useless prodigality in printing papers: and the interruption of the sittings during the recesses and adjournments of Parliament, prevent any regular bar from practising before the highest court in the land. Both of these causes produce enormous expense,

and considerable delay. The appeal to the House of Lords, is in all cases a superfluous stage, and might, with perfect safety, be abolished. To maintain some agreement between the conflicting systems of common law and equity—to keep the law of Ireland similar to that of England—to provide a control over the Scotch Courts—it is perhaps necessary to have one common centre, for the ultimate decision of all appeals, from all courts in the country. But it is obvious that such a court should be composed, not of an ever varying quorum of inexperienced peers, but of judges learned in the several branches of the law to be administered—devoting their undivided energies to their important task, and giving the sanction of high professional reputation to the acts of the tribunal over which they preside.

Sir Edward Sugden is strongly opposed to the abolition of the judicial authority of the House of Lords. His remarks against it are a sample of his logic. Commencing, as usual, with a very authoritative declaration of his own wishes, he says, "I trust that the House of Lords will not part with 'their jurisdiction in the appeals.'" He then condescends to support their pretensions by two arguments. "Strip that 'House of the heads of the church and the law, and it may fall 'an easier prey to its enemies.'" Observe how silyly an utterly uncalled-for word is put in in behalf of the Bishops! observe the assumption, that taking away the power of hearing appeals will in fact strip the House of Lords of the heads of the law! And then the possible consequence, so cautiously hinted! "and it *may*—not 'will'—fall an easier prey to its enemies!" But it is not stated how taking away the appeals will expose the House of Lords to its enemies. Sir Edward should show that the hearing of appeals invests the House with especial respect and popularity, or some other species of strength. On the contrary, however, he goes on to state, "But an effective 'court of appeal is a necessity—it *can no longer be dispensed with.*" Hence we may infer that the House of Lords is not an effective court of appeal. And hence we also discover that the House derives such strength from being an *ineffective* court of appeal, that without that prop, and the Bishops, it must fall. Luckily, Sir Edward has another argument. And what does the reader suppose this to be? On

what does he think Sir Edward Sugden rests this great anomaly, on which the very existence of the House of Lords is to depend? Literally, on the size of the room! We cannot expect our readers to take this on our word. We therefore quote Sir Edward's own language:—

"The House of Lords must always afford an excellent place as a court of justice. If the audience is not large, yet the court is open to all, and the importance of the place, the distance of the counsel from the judge, if I may so call him, and the power which all the Lords have of attending, afford an opportunity of being heard to advantage, which no other place could give."

What it is to be a profound jurist! An unlearned man might have surmised, that if the convenient size of the room, were the only recommendation of the highest tribunal of the land, that advantage might be secured under another system—if the Lords would patriotically lend their House and the wool-sack to the Chancellor in the morning. Is there not something perfectly astounding, in finding the defence of judicial and legislative institutions, grounded by a great legal authority, on the size, and shape, and fitting up, of a particular room?

We fear, however, that the Lords, will not part with their "jurisdiction in the appeals." In looking, therefore, for the most feasible means of getting rid of the double stage of appeal, we think that practical statesmen must direct their attention to the improvement of the judicial arrangements of the House of Lords, and the entire abolition of the inferior stage of appeal in Chancery. We should prepare to abolish the appellate jurisdiction of the Chancellor's court altogether. Appeals in equity should be carried at once from the Rolls and Vice-Chancellor's Court to the House of Lords. The original business of the Chancellor might be given to a new equity judge. Whether these alterations be adopted or not, we trust that the measure of creating a third Equity Court, proposed by Sir Edward Sugden, during the Duke of Wellington's administration, in 1830, and then unfortunately opposed but too successfully; will, ere long, be renewed and carried. Such a judge should, according to our plan, take upon himself the original jurisdiction of the Lord Chancellor. We quite agree, with Sir Edward Sugden, that the lunatic cases are precisely the cases which should not be left to a political judge. In the next place, we quite agree with Sir Edward's proposal (pp. 17, 18),



to abolish the Bankruptcy Court, and take away the equity jurisdiction of the Court of Exchequer, which is at present, under the guidance of that able person, Lord Abinger, the most incompetent and useless court in the country. Both these courts do so little business, and the lunatic cases are so few, that the new equity judge would have a large portion of time left, to devote to that enormous mass of the ordinary business of the Equity Courts, with which the Rolls, and Vice-Chancellor's Courts are unable to grapple. Make any further reform or not, a third equity judge must be created.

The Chancellor, being thus completely moved out of his own court, would remain a cabinet minister, with the various ministerial duties which we have specified, and a judge in the House of Lords. All the objections, which we have urged against the present union of the three offices in the person of Chancellor, would apply with undiminished force to the conjunction of the remaining two; except those which arise from the mere amount of business. We should propose, therefore, to separate the ministerial from the remaining judicial functions of the Chancellor; to make the office of Chancellor permanent, and to confine its duties to those of a judge of the House of Lords. A new ministerial office should be created, and its duties should be all those severed from the office of Chancellor, including the speakership of the House of Lords. The new minister might be called Keeper of the Great Seal. His functions should, in fact, be those of Minister of Justice. By these means an end would be put to the incompatible junction of offices in the same person. The judge would have distinct and homogeneous functions. The minister would have the same. The one would be selected for his judicial, the other for his political qualifications. Both would hold office on the appropriate tenure.

Such a separation of the present functions of the Lord Chancellor would not, we are aware, please Sir Edward Sugden. His arguments, however, against the separation, apply for the most part, not to such a plan as that which we propose, but to the mere separation of the business of the Court of Chancery, from the rest of the judicial as well as the political duties of the Chancellor. The passage, which he has quoted in p. 15, from a speech of Lord Brougham's, applies, and very justly, to "the danger of having a political Chancellor merely sitting on ap-

"peals in the House of Lords." Our political Chancellor should have no judicial business. We cannot, however, think Sir Edward justified in saying, that even on the adoption of such a plan of separation "*arises* the danger, that the office of Lord Chancellor may hereafter be filled more with reference to his "political than his legal abilities." That danger has long been the practical evil of the present system. It has, for the last half-century at least, been a complaint that chancellors have been appointed, not for their fitness for the highest judicial office in the land, but for their cunning in intrigue, and their skill in debate. Nothing will obviate this, but such an entire separation of *all* the judicial from *all* the political functions of the chancellorship, as that which we propose. The evil is one, which would not *arise*; *it exists*; and could hardly be aggravated by any change.

Our arrangement would be open to an objection, which Sir Edward Sugden brings, in p. 14, against the existence of a merely appellate jurisdiction. This is one, we know, which finds some favour among our mere lawyers: but we must own, we can see no force in it. "Unless," Sir Edward says, "he (the Chancellor) were daily sitting in a court of justice, not simply reviewing the decisions of others, but bringing his own mind and principles originally upon cases as they arise, he would not be competent to decide with advantage on appeals." Why, he does not inform us. As usual, the sweeping assertion rests merely on Sir Edward's *dictum*. As long as an appellate judge has a sufficient quantity and variety of business, it is difficult to understand why familiarity with the law should not be kept up as much by appeals as by original jurisdiction. There is no complaint in France that the Court of Cassation, which is simply a court of appeal, is not thoroughly conversant with law, or that its decisions carry no weight. In our own country we have, it is true, very few instances of a simply appellate court. The jurisdiction of the Court of King's Bench in poor-law cases is merely appellate; and we never heard the judges of that court accused of greater ignorance of this, than of any other branch of the law. But the Chancellor's Court itself affords the best proof, of the possibility of maintaining a jurisdiction of an appellate, separate from any of an

original nature. Since the creation of the Vice-Chancellor's Court, the Lord Chancellor very rarely hears original causes. With the great mass of equity law he has had no opportunity of keeping up his acquaintance, except in as far as it has come before him in the shape of appeals from the Master of the Rolls, or the Vice-Chancellor. Yet among all the complaints made against Lord Eldon, we never heard it alleged that he had forgotten his law during the last thirteen or fourteen years of his Chancellorship. And if it is impossible for a judge even to keep up his acquaintance with the law, by hearing appeals, how is it that Sir Edward compliments Lord Lyndhurst, (whom, it is but fair to say, Sir Edward was not wont to compliment quite so highly while he was Chancellor) on having actually *learnt* equity law, while sitting in a court, in which he could have heard scarcely anything but appeals?

But the great argument, which Sir Edward brings to bear on the question, is that founded on the impropriety of destroying the power and rank attached, at present, to the office of Lord Chancellor. To enforce this argument, he quotes an extract from a speech of Mr. Canning. We are great admirers of the genius of Mr. Canning: but we suppose that all his admirers are ready, with us, to own that no man in England when it suited his purpose in the heat of a debate, or under a temporary pressure, could more effectually conceal his want of information. His "eloquent" remarks, on a subject, of which he literally knew nothing, appear to have been very successful with Sir Edward. He began by using a fallacy, which was a great favourite of the old parliamentary school, and which we shall designate as the "Wish-never-to-see-the-day" Fallacy. A great and most accommodating fallacy is this, and very serviceable, when arguments against a proposed change have failed. Mr. Canning "could never wish to see the legal and political characters of the Lord Chancellor of England made distinct and separate, considering, as he did, that, in the appointment to that high office, one of the proudest distinctions of the British monarchy had long existed." The power of taking a man of the meanest birth, and "placing him in the head and front of the Peerage of England," he thought, "one of the noblest and most valuable prerogatives of the crown of England."—"A beau-

"*tifful* prerogative," he called it, "which, *though it formed the very essence of the monarchy*, was, at the same time, *the surest support and bulwark of the democratic part of the constitution.*" He also described it as upholding "the standard of the magistracy, and the dignity of the peerage." This is a passage which no friend of Mr. Canning would have dragged forth from oblivion. The democracy—the magistracy—the peerage—the crown itself—dependent upon the union of incompatible functions in the office of Chancellor! The chancellorship in fact the constitution! As for the "*beautiful*" prerogative of taking an individual of the meanest birth, placing him in the front of the peerage, and investing him with all manner of incompatible powers, duties, and dignities,—we suspect that this is one of those prerogatives, which it does the crown no great service to possess. The power of thrusting a favourite into an office, for some of the duties of which he must be unfit—of pampering him with an accumulation of functions and emoluments, to the detriment of the public service—is the prerogative, not of a constitutional king, but of a despotic monarch. The Grand Vizier of oriental countries combines in his person, military, judicial, and ministerial functions of every description; and the beauty of this prerogative of the crown of England would, we presume, according to Sir Edward be augmented, if His Majesty were henceforth to entrust his Chancellor with the command of his armies, and his fleets, and the staff of chamberlain of his household, in addition to his present duties. The progress of civilization has unfortunately a sad tendency to curtail these beautiful prerogatives. The prerogative of appointing to offices, is now supposed to be entrusted to the crown, not as an addition to its pomp, but for the public good; and the mal-administration of justice can with difficulty, at the present day, be defended on the plea, that it enables the king to invest an individual with more functions than he can fitly discharge. In former times, in addition to his present duties, the Chancellor had generally the superintendence of a diocese, and the care of divers parishes. The prerogative must, in those days, have been much more *beautiful*: but it does not appear that since the last ecclesiastical Chancellor the essence of monarchy has evaporated.

The real meaning of this sentimentality about the beautiful

prerogative is, that the high and potent, and enormously paid office of Lord High Chancellor of England, is one which a great lawyer, like Sir Edward Sugden, would rather enjoy than see abolished; and which a minister like Mr. Canning would like to give to a friend. For this purpose the crown, the peerage, the magistracy, and the very democracy, are represented as dependent on its maintenance. Equally ingenious is the notion put forth, by practising lawyers, that if any diminution of the power and dignity of the chancellorship were to be made, straightway the exertions of the whole bar would be paralysed, and universal apathy take the place of the present universal energy. This is the fiction of every student entering his terms, with the hope of the Chancellorship whetting his appetite. Such, it is supposed, are the brilliant alternatives offered to young men of talent starting in life, that the mere prospect of never attaining a higher position than that of a chief justiceship, or a merely legal Lord Chancellorship, or the merely political office of Lord Keeper, would decide them as to carrying their abilities to the market of some more promising profession—though what that profession even in such case would be, it is hard to say. That lawyers, who start with the prospect of a favour brief—who hang on for ten or twenty years in hopes of the lead at some miserable county sessions—who catch at colonial judgeships—whose ambition enlarges with difficulty to the desire of a silk gown—and nearly the best of whom are almost always overjoyed at getting a puisne judgeship—that they should generally tell these tales of their own extravagant and sensitive ambition is strange. But stranger still would it be if the public were to believe such preposterous fictions.

Some objections have been made to the proposed separation, on the ground of its effect on the ministerial duties at present exercised by the Chancellor. It is said, that the head of the law should be a practising lawyer; unless he be such, it is apprehended that he will not be competent to superintend the administration of justice, the distribution of legal patronage, or the reform of the law. We cannot see why a minister entrusted with these duties, should any more be a *practising* lawyer, than why a secretary for the colonies should be an acting governor, or a first lord of the admiralty

the admiral of some squadron on active service. In fact, we see that great mischief is done in this country, by the circumstance, that every person who should superintend the vast province of law and law reform, has his mind always so occupied with his judicial business as Chancellor, or his forensic business as attorney or solicitor general, that he has no time to attend properly to those matters. It is most probable that the person appointed to the office of minister of justice, would be, as we believe he invariably is in France, of the legal profession; but a very different person would be required, from the one who must now also be the highest judge in the land.

Having thus gone through the objections made to the alteration of the office of Chancellor, it now only remains for us to notice the changes which must be made, in order to render the House of Lords fit for the dispatch of the increased and important business of appeal, which, according to the plan proposed, would be thrown upon it. The alterations required to render the House of Lords an effective court of appeal would consist chiefly in making its sittings constant, and its judges permanent. The court must sit all through the legal year. It must be provided with competent judges. We should, therefore, approve of an arrangement in its general bearing similar to that proposed by Lord Brougham at the end of the session of 1833. Instead, however, of a judicial committee, composed of competent persons, to which the House of Lords might refer certain cases to be heard, we would leave matters in theory as they now are, allowing any peers to be present and vote—trusting to their being kept in order by the regular professional judges of the court. Of these, the chief should be the permanent Lord Chancellor. In matters of appeal, however, we think that it is always desirable to have more judges than one. In such a tribunal, especially as the House of Lords, it would be necessary to have different judges respectively versed in the different kinds of law which come before it. The Chancellor should be assisted by at least two other judges; one an eminent common lawyer, the other a civil lawyer, taken from the Scotch bar, or our own civil law courts. Thus composed, the court would be fully competent to decide all the cases which would come before it. Making allowances for temporary absences, we should propose that the attendance of these

three judges should always be required, and that two of them should form a quorum. The House of Lords, we repeat, should, for judicial purposes, sit throughout the legal year. This, of itself, would create a peculiar bar for the court: the fees of counsel would be greatly diminished: and business would be speedily dispatched by a tribunal of acknowledged authority and competence.

The House of Lords thus constituted for judicial purposes, would exercise a most effective appellate jurisdiction. And as it is most desirable that uniformity should be preserved in the law of the whole British empire, we should be inclined to make every appeal centre in this common point. The ultimate jurisdiction in cases from the civil law courts, should be lodged in the House of Lords; and the last resort from the colonies, should be to the same tribunal, as that which presides over the law of the United Kingdom. Such a constitution of the House of Lords, would enable the government to abolish the judicial functions of the Privy Council. The additional business thus imposed on that House, would be more than balanced, by keeping its duties strictly within the province of appeals, and by confining its attention to questions of law, instead of allowing matters of fact to be re-argued before it, as is too often the case at present.

That such an effective re-organization of the highest court, and greatest legal offices in the country, would be worth some increased expense, will, we suppose, be admitted; but it does not appear that the expenditure of the country would necessarily be at all augmented by the changes which we propose. The separation of the political and judicial functions of the Chancellor might be effected without any increased cost. The addition of a third judge in equity, we consider absolutely necessary, whether any further change be adopted or not; and his salary, and the expenses of his court, need not exceed those of the Bankruptcy Court, which should be abolished. The permanent Lord Chancellor might have a salary of 9000*l.* a year, which is higher than that of any other judge in England, and the political Lord Keeper, one of 5000*l.* a year, which is equal to that of a secretary of state. Thus, if no greater change were to be made, no additional expense would be incurred; and the country would, in a short time, be the

gainer, by the saving of the greater part of those pensions to retired chancellors, of which the amount is so large at present, so likely to be increased in the shiftings of present politics, and so inconvenient a check on the crown's free choice of a very important minister.

The addition of two judges to the House of Lords, could be the only source of increased expense. Lord Brougham proposed that this should be saved, by imposing the duties of assisting the Lord Chancellor, on the retired chancellors and chief justices, and by requiring the occasional aid of the judges of the courts below. To taking judges out of their own courts for occasional purposes, and to gratuitous work, we strongly object: and on our plan, there would never be any retired chancellors—at least, none fit for work. It has been suggested, that some high offices, of a semi-judicial nature, might be made permanent; and that the duty of acting as assistant judges in the House of Lords might be imposed on their occupants. The office of Chancellor of the Duchy of Lancaster and that of President of the Council, or Privy Seal, might be made available for this purpose. By this means, these judges would have ample salaries, with no increase of expenditure; or, at least, none that would equal the saving in Chancellors' pensions.

We have thus laid before our readers an outline of our ideas on that portion of the great field of law reform, which has been brought under our notice by Sir Edward Sugden's pamphlet. Small as we think the merit of that work to be, it has at least been useful in calling public attention to a most important legal question. All the acrimony with which party writers, for party purposes, have assailed the alleged defects in the administration of justice in particular courts—all the difficulties which the accidents of political changes, have lately placed in the way, of making the ordinary appointments of great legal functionaries—have been most serviceable in forcing the consideration of important and permanent reforms on the attention of the public, and of men in power. Whatever may be the immediate settlement of these matters of detail, the great principles which the discussion has stirred, will not fade from the public attention. The friends of law reform may congratulate themselves on the great improve-



ment at present evinced, in the general mode of thinking on these subjects, and on the additional impulse recently given to correct opinions. In spite of all the prejudices and interests, which are ever ready to thwart us, a force has been called into activity in the cause of legal reform, which, we are convinced, will lead to the utmost results that we desire. The great change, which ministers are specifically pledged to propose, will produce the best effects, both in its passing and in its operation. There is reason to believe that the present government, also contemplate alterations in other matters which we have discussed, quite as extensive as those which we have ventured to suggest. No better sign can be given of the good intentions of a ministry. The palm of law reform, is not to be won without encountering opposition, and exercising perseverance, and grappling with difficulties—not without dust, and even peril. But the wearing it is well worth the gaining it.

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## ARTICLE XII.

*Report of the Select Committee on Agriculture, with the Minutes of Evidence taken before them. Ordered by the House of Commons to be printed, 2nd August, 1833. Report of the Proceedings of the Agricultural Meetings, held in London on the 14th and 15th December, 1835, London: 1835.*

Few subjects can be more appropriate to the purposes of this Review, than that which is popularly known by the appellation of the "Corn Question"—or, unhappily, by that of the "Corn Laws;" with which last name we head the present article. It is of a nature peculiarly international; whether with reference to the fears of the landed interest, on the one hand, lest the produce of foreign countries should cripple the agriculture of our own,—or, on the other hand, to the apprehensions of the commercial interest, lest the exclusion of foreign corn should lead to such a disruption of our commercial connexions, as eventually to ruin our trade. Even the

politician augurs good, or forbodes evil, as the choice shall fall upon the alternative systems of friendly intercourse, or selfish estrangement.

At the termination of the war, the industrial peculiarity of England, among the nations, was that of a decided bias to manufacturing and commercial pursuits; while the industry of the continent had a marked inclination to agriculture. Such, indeed, was the character of the long war by which the peace had been preceded, that it could not fail to produce these distinguishing peculiarities. A most serious question was then propounded to the statesman—whether he should take the actual position of the country and the world, as the basis of his future measures,—or whether he should undertake to create for himself a totally new basis, in order that he might have a foundation for measures, schemed in his own brain, but for which the existing order of things was wholly unfitted? The war had given us the command of the seas, and thus our commercial superiority was established; and it so happened that, during the war, the chief of those inventions in machinery, and of those discoveries in science, which have wrought revolutions in the condition of man, were either brought by us first into use, or were by us matured. England had, by these means, acquired a greater command over the precious metals than any other nation; because, she was thereby enabled to send forth, into the general markets of the world, a greater value in her manufactures, in proportion to the quantity of human labour expended upon them, than any other nation could send. This power is the foundation of all riches; and since it exerts itself in commanding the larger share of the quantity of precious metals extant in the world, it has a direct tendency to raise the rents of land in the country, by which it is possessed. Whatever excuses may be made for the errors of our statesmen, in not seeing at once, and in the happy moment for a right decision, that they had then in their hands, self-created, a foundation for their future proceedings, far preferable to anything which their vain and fanciful devices could produce,—no excuse can now be offered for that wilful blindness, which sees no remedy for the evils of its own making, except in their noxious repetition.

In the progress of the twenty years, which have been

gradually exposing the grand mistake made at the close of the war, the landed interest, from time to time, condescended to argue a little with those enlightened men, who endeavoured to make them comprehend the error of their course: but now, when to every rational mind the question has received a complete decision, they content themselves with sneering at, or crying down, every man who considerately points out to them those sure and undeviating laws of human affairs, which never fail in the end to punish all nations which despise their dictates. To say the least of it, this is a disgraceful course; and when we think on the names of the many prominent men among us—their stations in life, and their necessary education—who seek to confound the voice of wisdom, by calling up the vociferous cheers of thoughtless auditories, with the words, “Philosophers,” and “Theorists,” used as cant terms, irreverently intended to imply ignorance and absurdity in men of science,—we blush for the upper ranks of our national society.

Two-and-twenty years of habitual hostility had rendered the business of war a sort of second nature to the country; by calling into exercise many branches of industry peculiar to that state, and which could not but fall into disuse upon the return of peace. The transition was necessarily a painful one, even under the most skilful management; and the “revulsion,” as it was then termed, by which that transition was attended, was, to a great extent, unavoidable, and irremediable except by the lapse of time. But though many of the employments of war were inapplicable to a state of peace, there was nothing in the respective natures of agriculture and commerce to render one, more than the other, unfit to meet the change. They were both equally peaceful employments: why then, while we were suffering under unavoidable change in some matters—while change *in se* constituted our peculiar grievance of the time—why, at *that* time, seek to make forcible change in other matters, and thus aggravate the evil which was of a temporary nature, by superadding another evil, to which no definite limit can be assigned?

As if war of some kind, with the rest of the world was our natural element, we no sooner terminated that of the sword with one country, than we declared the war of commerce with all the rest. And by what peculiar class amongst us, we ask,

was this deed done?—By the landed interest, is the answer. And who, now, at the end of these twenty years, is the complaining party?—Again we answer, the landed interest.

With such views of the nature and character of questions relating to our Corn Laws, and their international consequences, it has been doubtless expected, that we should take some suitable opportunity for discussing them. Our intention was, to have entered in due season into an examination of the subject in all its bearings, with the hope of placing before our readers the most ample means of a correct judgment; but it is forced upon us, by passing events, too suddenly, to enable us fully to accomplish that object in the present number; and therefore, we shall, upon the present occasion, be content to perform only so much of our purpose, as those events seem to render imperiously necessary.

The two publications which are placed at the head of this article, furnish very appropriate materials for the observations we feel called upon to offer at this time. The first, is the Report of an Agricultural Committee of the House of Commons, which sat in the session of 1833; and the delivery of it may be considered to be an important stage in the later progress of the Corn Question. The most marked peculiarity of this report consists in the giving to the landed interest one excellent piece of advice;—“*let well alone.*” The second publication shows that this advice has not been taken; for it furnishes an instance of determined agitation, which, if it do not die, as we rather think it may, through its own violent and passionate exertions, will require the check of some other power. It is by such unceasing conduct of the landed interest, that we are forced upon this early and hasty examination of the alleged grounds of their complaints.

We had one very distinct motive for wishing to gain a little more time before we took up the subject. Some very important features of it seemed to be in the process of development; and we have been watching their progress with great attention. A larger experience is desirable; but we shall avail ourselves of that quantity which we already have.

The first matter to which we allude, is the novel fact, that this country is now entering the fifth year—if not even the sixth year—of full and sufficient supply from its own lands.

This cycle was preceded by another, of about the same duration, in which there had been so large and apparently regular a foreign supply, as seemed to indicate that we had become habitual importers, and that, consequently, with a population notoriously increasing, the demand for corn would always so far exceed the home supply, as to render the existing Corn Law an almost infallible regulator of prices. The consumption, like the waste-pipe of the cistern, and the graduated scale, like the ball-cock, were to keep the price, like the water, at a fixed level. This power of the Act has been effectually taken from it; and the "pivot point," of 63*s.*, has entirely lost its identity. It appears now, that we might have safely indulged the landed interest even in their original Bill, which assumed 80*s.* as the lowest growing rate: it would only have hastened a little the existing condition of their trade, at the expense of, perhaps, no great increase of suffering to the people in the interim. The landed interest would, in such a case, have been only stimulated the more to those exertions, which have at length rendered all Corn Acts nearly a dead letter: for although the Act they have got, may prevent the price from falling a little lower for a while, than it now is, it has utterly failed to keep it even within sight or speaking distance of their "pivot;" and many intelligent men, accustomed to watch the crops and the trade, are strongly of opinion, that if we had escaped those few stormy days which occurred last June, and which did much mischief to the earliest and strongest crops of wheat, the price would now be 8*s.* or 10*s.* the quarter lower than it is; and the thoughts of exportation might be beginning to dawn, in the primitive minds of those landlords, who seem willing to recall the happy condition of their ancestors.

But this is not the only important feature of the corn question, in the process of development, to which we have alluded, and which we are watching with a lively sense of curiosity. The landed interest have had but too much success in cajoling their natural opponents, into an acquiescence in their measures, by inculcating a belief, that the first step to secure the prosperity of general trade, is to support the opulence and grandeur of their body. Now there never was a time in which, with the concurrence of all men of information, the trading

industry of the country was considered to have been in so thriving, and, as the term is, healthy a state as that which it enjoys at this period; and such is the reliance of capitalists in its sound foundation and sure continuance, that the preparations for an extension of our manufacturing establishments, are going on upon a most magnificent scale. Our own anticipations, although not contradicted, are certainly not distinctly confirmed by this state of things; and we have the candour to make this confession, because we are ready to receive the lessons of truth taught by experience. So far, to be sure, as the coincidence of low prices of corn, and of commercial prosperity are concerned, in the abstract, *our* views are corroborated, and those of the landowners are contradicted. But it is not simply low price for which we contend; we care not how high the price be, so it be not materially higher than in the countries of our commercial rivals; the objection is, to high *relative* prices; and at the same time, to that loss of foreign trade which must arise out of the restrictions, by the application of which, those prices are artificially sustained.

In this position, the question to be solved, and that only by a longer experience, is, whether, if through the abundance of our own home produce, we arrive at moderate prices, which are not very much higher than those on the continent—although we do so by the forcible operation of measures, which deprive us of much valuable trade with the immediate corn countries, and also with their neighbours, thus rendered our manufacturing rivals—our prices may not, still, be sufficiently low, to enable us to cope successfully with those rivals, as exporters to *other* parts of the world, where old markets are extending, and new ones are opening. Time and experience can alone give a positive answer to this question. The solution, as far as we have it, explains the cause of our present prosperity; but the best success will only be the palliation of a self-inflicted injury; for why go farther a field to seek that which is at our doors? As a trading people, we should act upon the military principle, which cautions an army to take all fortresses in its way, and to leave no strong hold behind it. So, in our commercial progress over the globe, we should first exhaust the trading faculties of the nearer countries, under the same fear of leaving, in our rear, greater cheapness in the hands of our rivals, as that

which an army entertains, of a fortified position left in its rear, in the hands of an enemy. Let the result, however, be what it may, this is certain, that we have, in the meanwhile, the indisputable fact of great manufacturing and commercial prosperity, at the same time that the landed interest, to use their own most authenticated words, are suffering under "overwhelming distress."

These two phenomena, of which we have been speaking—namely, first, an exceedingly low price of corn after five years of closed ports; and, secondly, the accompaniment of *that* low price by great manufacturing and commercial prosperity; although the landed interest are represented to be reduced, by the effect of *that* low price, to a state of overwhelming distress—these phenomena, are calculated to excite surprise, as far as their progress has been observable, and are highly deserving to be studiously watched in all their further movements. It is something to draw attention to such considerations; and we doubt not, that, when we resume the subject, this preliminary notice will be found to prepare our readers, for the better and more ready consideration of the subject, in the shape in which we shall wish to present it to their minds.

The appointment of the agricultural committee in the spring of 1833, was resorted to in a kind of despair, when the landed interest had first to contemplate the unlooked-for association of *low prices, with closed ports*. The harvest of 1830 had been so defective, that upwards of 1,700,000 quarters of wheat\*, were in that year passed for consumption at an average duty of 6s. 4½d., besides more than a million quarters of other sorts of corn. Again, early in 1831, a million and a half of wheat at a duty of 4s. 8d., and a million of other sorts of corn, were entered for consumption. It is evident, however, that the harvest of 1831, marks the crisis of the turn from a state of importation to that of domestic sufficiency of supply. Practically speaking, with reference to the point we are upon, no corn was entered, in a commercial sense, after the prospect of the harvest of 1831 had produced its effect upon the trade; and in the same sense, it may be added, that from that time all importation ceased. The small quantities entered by com-

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\* Including flour, reduced by computation to wheat.

pulsion, or in despair, at excessive duty, and under heavy losses, at the edge of the harvest of 1832, are not sufficient to weaken our position, nor indeed to have had any sensible effect on the subsequent prices. The low duty of 4s. 8d. paid upon a million and a half quarters of wheat, almost all in the spring of 1831, at once proves that the prices must have been considerably above 70s., while the entries were passing; and, accordingly, on turning to the weekly averages, we see, that for four weeks in February and March, the price was above 73s., and the duty, in consequence, only 1s.; and that there were two succeeding weeks during which the duty was only 2s. 8d. There then followed five weeks with a duty of 6s. 8d.,—and as the duty rose considerably soon afterwards, and continued still rising, so that about harvest time it was above 20s., and, upon the getting in of the harvest, had arrived at a prohibitory rate,—it is manifest that the last of the unproductive crops was that of the year 1830. By the crop, therefore, of 1831, the ports were practically closed; but still the prices kept falling. The harvest price of 1831 was about 64s., and it sank about 4s. afterwards. The harvest price of 1832 was about 63s., from which it afterward receded about 10s., and the average had been, for many weeks, fluctuating between 53s. and 52s., when, on the 3rd of May, 1833, the committee of the House of Commons was appointed, to consider of agricultural distress; although the farmers were then, and had long been, enjoying the protection of a duty of about 30s. the quarter. The harvest price of 1833 was about 55s., and the general subsequent price of that year's crop was about 48s.; and 48s., also, was the harvest price of 1834. In October of that year the price had fallen to 42s., and it has been gradually sinking ever since, until, for the last two months of the year 1835, it stood at 36s., with some fluctuating pence. The year 1836 has opened with a price scarcely above 36s., and we need hardly add, with a duty also of about 50s.; and still, with this excessive protection—*with a duty of 50s. a quarter on the importation of foreign corn, the landed interest are calling aloud for another parliamentary inquiry.*

The committee of 1833 was of course powerless to serve the complaining parties, except with a little wholesome advice, which should have been better attended to than it has been.



They apprised the landowners, that the mortgages and the family incumbrances of their estates, were matters wholly irrelevant to the subject under examination, since the question at issue was a trading question, and related to the wants of the *land*, and not to the wants of the *man*. They told them, also, that rents were contracts of a private nature, and that as, on the one hand, there existed no right in the public to call for a reduction of rent, so, on the other hand, the proprietors had no claim on the public to make any sacrifices for sustaining them. And they also told them, that having got a Corn Act, which was operating, by the magnitude of its duty, so as effectually to exclude foreign corn from their markets, they had better be quietly contented with that Act, and not seek to agitate the adoption of fresh measures.

This wholesome advice the landed interest have not taken. They are bestirring themselves from one end of the country to the other, and they seem to be determined to take the Houses of Parliament by storm. The publication of the proceedings of the landed interest, which we have placed at the head of this article, exhibits the temper they are in, and also the manner in which they will endeavour to force down any plan, which may seem to hold out the smallest advantage to themselves, at the expense of the other classes of the community. At present no sanctioned plan has appeared. Many vague suggestions of inadmissible or impracticable schemes may be drawn from the speeches at their reported meetings; but nothing appears that has received the sanction of the body, except, indeed, an intention to demand another committee of the House of Commons. The real difficulty of their situation is, that there has already been, granted to them, all they used formerly to ask for—namely, a perfect monopoly of the home market: and, although they feel no compunction in flying from the bargain they had made, when that monopoly was granted; and in seeming disposed to abuse the Government, the Parliament, and the people, in the most outrageous language, because the monopoly does not satisfy their expectations; although it fulfils those of abundant home supply, upon their promises of which, it was granted; still they are unable, however willing, to conceive any other feasible device, by the application of which they might be benefited, let the sufferers be who they

may. Their rage, at the want of a weapon, with the will to strike, is venting itself in declarations, marked by recklessness of purpose and ignorance of matter.

We see in the publication before us, that under a system of delegation, a "Central Agricultural Society of Great Britain and Ireland" has been formed in London, out of the numerous local agricultural societies which are to be found in various parts of the kingdom. At a meeting held by this Central Society, on the 15th of December last, the following resolution—which seems to be considered by them as the foundation stone of all their future proceedings—was passed. It is in these words:—

*"That nothing can remove the present overwhelming distress, but the adoption of some measure, which shall either raise the price of produce to the level of the burthens imposed, or bring down the burthens to the level of the present prices."*

The hypothesis of this resolution is, "overwhelming distress," in consequence of certain "burthens imposed, which the price of corn is unable to sustain;" and the two alternative propositions of it are, either to raise the price or to lower the burthens. We propose to examine the resolution under this division of it.

In the first place, we seriously question the validity of the hypothesis. We do not believe that the agriculture of these kingdoms, considered as a vast and extensive trade, is, as a whole, carried on at a loss: and we will give the grounds of our doubt.

If, for evidence of the fact, the general tenor of the statements made by the parties themselves be consulted, it will appear, that the distress is assumed from a dry unqualified comparison of the present prices of wheat with its former prices, and without any regard to the changes which may have taken place, in the art of farming, or the cost of production. The average price of wheat, reduced to the Winchester bushel, is now about 35s. the quarter, and it has been under 40s. for a considerable time. These are low prices, even if compared with those of a few years before the war: but it is by no means, thereby proved, that the present price is lower than of old, when considered with reference to the present cost of production. With

the utmost readiness we admit, that no improvements in husbandry can be expected to keep pace with many of those in manufacture; but still we cannot but believe, that the labours of the farmer upon the various qualities of the soil, are far more productive than they were at the time referred to; and, unless the landowners have, for the last forty years, been indulging in mere idle boasts, great advances have, during that period, been made in the science of agriculture. The numerous agricultural societies long established in various parts of the kingdom, by the union of which their present great central association is formed, all had for their objects—the encouragement of ingenuity and skill in the devising and the bringing to perfection of new methods and new implements—and also the extensive diffusion of the knowledge of such discoveries. Are we to believe that all this was mere vapouring: and was the promise to “make two blades of grass grow where only one grew before;” a rank delusion on the public expectation? Assuredly not,—it was sincere, and has been, in our opinion, to a very great degree fulfilled. The comparison of prices at the two periods, affords no conclusive proof of an unremunerating price at this time, unless it be also shown, that all other things remain the same; and it is known that they do not.

Before we proceed further in the examination of this resolution, we shall suggest the substitution of the more comprehensive words “*costs of production*” for the word “*burthen*,” and in speaking of the cost of production, every charge between the grower and the consumer must be taken into the account. The charge of conveyance from the one to the other is one of those which have been materially reduced; and, connected with that charge, is also the state of allocation of the people. Not only has one universal system of road-making rendered all parts of England mutually accessible to each other, but the accidents of localities, and the attraction of manufacturers, have caused the people to be far more equally distributed than it used to be. The dense, and chiefly new population of our manufacturing districts, is placed in a position, flanked on three sides, by England, Scotland, and Ireland. The mouths have met the corn half-way, and that half-way, is traversed with increased facility. The apparent lowness of the present price of corn, is in a great measure to be accounted for by an

equalization of prices, thus brought about: and this proposition would be made very apparent, if we had the means of striking a present and a former average, taking in both cases, the prices *at the barn door*. Particular lands, favourably situated under the old system, must have now to contend with an enlarged domestic competition. The Middlesex hay farmers, have long felt the effects of the Paddington canal, and of the Macadamized roads round London, which have occasioned the bulky commodities of hay and straw to be brought, from a more extended circle. These are mere illustrations of trifling instances; but the great cases of improved distribution are those of Ireland and of Scotland—of steam navigation—of canals, and of railways—all of which even now may be considered, as only in an incipient state. It would take us beyond the reach of our present purpose, if we were to go largely into this branch of the subject: enough has been said to remind the reader, that a ready distribution of farming produce has led to an equalization of its prices; and that the productions of many most extensive districts, which formerly were almost without value, now partake of the average which is the result.

These are effects upon property in land, which the land-owners cannot resist or control. It is madness in them to shut their eyes against such consequences. The United Kingdom will be, and must be, treated as one whole or entirety; and it is in the common nature of things to suppose, and to expect, that if, in their new predicament, all the lots of land are thrown into one general mass of equality, upon the redrawing, many, that before were prizes, will turn out blanks; and many of the old blanks, will be new prizes. For this great and still progressing change, the landed interest must prepare themselves. They may demand protection against foreigners, with what confidence they please; but protection against Ireland, and against Scotland—against bogs reclaimed and marshes drained—protection against domestic improvements—against the progress of science, and the industry of their fellow-countrymen—they can never have at the hands of a British Parliament. The price always to be considered is the price of the three kingdoms, under every possible advance in the arts of life; and we must insist, that the mere fact before us, that the average in the chief markets of England is now 5s.

or 6s. lower than it was before the war, constitutes no proof, that the public of England cannot be supplied from the lands of Great Britain and Ireland, with wheat at the present price, yielding a fair trading profit to a sufficient number of producers, in the cultivation of a sufficient quantity of our national lands.

It is not, however, upon this negative proposition alone, that we formed our opinion against the hypothesis of an "overwhelming distress," upon which the resolution we are discussing is founded. The general appearance of the face of the country, amounts almost to positive proof, that the occupation of farming cannot be in distress. We would appeal to the observation of the tourists of last summer and autumn, whether they did not observe, in all quarters, the characters of that trim, neat, good management, which, in any calling, bespeaks thriving industry. Still, this is not positive proof; even although backed by the strong presumption, which may be drawn from the great leading fact, that the farmers of these kingdoms, have found the means of supplying the whole demand for corn, at very low prices, for four—if not five—successive years, without the aid, practically speaking, of importation. We have more proof still; for it must be remembered also, that the cry of unremunerating prices is of much longer standing. The previous five or six years, are represented to have been marked, by unfavourable seasons and short crops. The prices had ranged from 20s. to 30s. for wheat, higher than of late, and as the deficiency of quantity has been clearly proved by the extent of the imports, the argument in favour of insufficient rates of price, during that period of scarcity, is quite as strong as it now is, with reference to the late period of abundant crops, at lower prices. The distress, therefore, is of many years standing; and although there is much truth in the remark, that traders do not yield very early obedience, to the hints they receive in the falling off of their ordinary profits, it is but too true, that the practical conviction is sure to come home to them, in the form of physical impossibility, if they continue guilty of a too obstinate perseverance.

We will venture to say, that there is no extensive branch of trade whatever, which could hold up a good front of apparent prosperity, at the end of ten years of continuous adversity;

and therefore, we invite our readers to take, in the first instance, a general superficial view of the outward and visible condition of the three classes of persons, dependent on the lands of this kingdom—the landlords, the farmers, and the husbandry labourers. We mean nothing invidious. We delight in the splendour and affluence of our aristocracy. We ask only for information, when we say—does any one discover that the rank and station of this country is suffering any degradation, from a want of the usual display, of the splendour and affluence of the nobility, and higher gentry of the nation? Again, we ask—is there not remaining to us, an ample body of men, in the class of farmers, actually holding and farming the whole breadth of our cultivated lands; and possessing the means of producing from those lands, up to the hour in which we write, such ample crops, as to have rendered the population independent of foreign supplies, for five successive years. The case of the labourers is still more palpable, because it involves no question of capital, and is confined merely, to that of comfortable daily subsistence. Over and over again, it has been shown, that the wages of the labourers give them, in these times, a much greater command of the necessities and comforts of subsistence, than that which they used to possess in the wages of former times—whether we make the comparison with any term of years before the war, or with any of the years in the war, remarkable for the highest scales of wages.

Thus, then, we dispute the hypothesis, of “overwhelming distress;” founded, as it is professed to be, upon insufficiency of price, and we do so upon two grounds;—first, that a price lower in comparison with former prices, is not necessarily a low price—that is, an unremunerating price;—and, secondly, that all the parties affected by the prices, have, up to this hour, continued in a condition, in which no human power could have sustained them, if the prices had been so insufficient, in a trading point of view, as the hypothesis assumes them to have been.

We now proceed to examine the two alternative propositions, founded upon this hypothesis of “overwhelming distress;” first, the necessity of an increased price; or secondly, in lieu of that, the necessity of a reduced cost of production. In both cases, “the adoption of some measure,” with power to

produce the intended effect, is contemplated by the propounders; and as the grand scheme of the association is to acquire a preponderance in parliament, it is clear, that the measure pointed out, is to be of a legislative character.

There are two modes by which a high price of corn may be secured. The one, by preventing a fall,—the other, by forcing a rise. Our present Act works by the first mode alone. The older Act—Mr. Pitt's Corn Act of 1791—worked by both modes; it checked importation, when corn was falling below a certain price, and thus attempted to arrest the fall in its progress; but if this mode failed, and the fall continued till it got downward beyond another stage, then it came forward with an active measure for forcibly raising the price; and this consisted in giving a bounty for exportation. Under both schemes of legislation, the foreign country was the fulcrum, and the foreign prices the lever, by which the home prices were to be kept at the computed necessary level. Now what we desire to know, is, whether, in plain terms, the landed interest do point to an export bounty, when they speak of a "measure, which will "raise the price"—or whether they have, behind the scenes, ready to be produced at their own proper time, some "measure" of a different kind, the invention of which, is as yet unknown to us, and to the public. Under our total inability to imagine any such *other* mode, we shall offer a few observations upon the subject of export bounty on corn—partly in order to be prepared, lest such a proposal should be made, but still more, with the considerate object, of deterring the landed interest from attempting such a course.

Mr. Pitt's Act of 1791 had a high duty, a moderate duty, and a low or nominal duty upon foreign corn. The *first* (24s. 3d.) attached upon wheat, for instance, when the average price of British wheat was under 50s. the quarter;—the *second* (2s. 6d.) when the price was between 50s. and 54s. the quarter—the "pivot" of that day,—and the *third* (6d.) when it was above 54s., at which time also, we may here remark, exportation of British corn was prohibited. This was the machinery which was to act upon importation. Under the head of exportation we had the three following rules:—at one price, exportation was prohibited; at another and lower, it was simply permitted; and at a lower still, it was encouraged by a bounty.

Whenever the price of wheat for instance was under 4*s.* the quarter, the exporter was rewarded with a bounty of 5*s.* for every quarter, which he should take completely out of the mouths, and out of the reach of this people, and dispose of in some foreign country. We pass over the changes which were made in these import and export rates by subsequent acts, because the whole remained a dead letter during the prevalence of "war prices," which so far exceeded legislative calculations, as to render all trade in foreign corn legally free. At the close of the war, in the year 1814, the first step taken, was to repeal the bounties: and in this proceeding, is seen an intention of relinquishing one of the modes, before practised, for assuring a good price of corn to the British grower. That price was no longer to be forced above the level, at which it might settle, under a simple monopoly at the home market; but it was thenceforth to be left to the operation of that monopoly alone. The right of *expulsion* was relinquished; that of *exclusion* only was retained.

In the year 1792, when the price of wheat was six or seven shillings a quarter (Winchester measure) higher than it has been for some time past, our merchants were enabled to find a foreign market for about 800,000 quarters, with the aid of the five shilling bounty. If all other things remained the same, it is evident, therefore, that they could now purchase wheat for exportation to an equal advantage without the bounty. What then are the other circumstances, the change in which, since 1792, has prevented the exportation of wheat? The more abundant growth and consequent greater cheapness of corn abroad. This is the only answer, and a very portentous answer it is to the considerate farmer, who is disposed to look dispassionately into the difficulties of the question, and to try how far, by the strength of his own shoulder, he can serve himself, before he invokes the aid of Hercules, as his only resource. Now, the lower price of corn in Europe proves two very important things—first, that no export bounty short of perhaps 20*s.* or 30*s.* the quarter, could force a sale of our wheat abroad, at any thing like the prices here called remunerative;—and, secondly, that the present nominally low price, must cover more remuneration, than the higher nominal prices did before the war.



The general reduction of the open market price of corn abroad, tends to confirm our opinion, given above, that the cost of production has been lessened, by improvements in husbandry. The English and Scotch agriculturists, will hardly admit that they are behind their Polish and Prussian competitors, in the adoption of such improvements; if they do, they will only add another instance, to those already known, of the withering effects of protection. No, they will not take this ground, they will fly to their plea of "burthens;" and, boasting rather of their superior skill, they will say, such is the weight of those *burthens*, that all their skill, and all their industry, are inadequate to support them under it. We have no objection to try the issue of this plea, because it draws the question into narrow limits. In the mean while, we establish this proposition,—that corn is now, naturally, a cheaper commodity than it used to be; and consequently, that the task of forcing up the price of it, in any particular country, by the expulsion of a supposed surplus to other countries, is a matter of far more difficulty than it formerly was.

We are free to confess—after perusing the publication we are now reviewing—that no proposal from the landed interest, can be so extravagant as to surprise us. Their associations are forming all over the kingdom, and at the same time, are concentrating and combining, under a common head, for the avowed purpose of carrying their purposes by parliamentary influence. To this end they declare, that Whig, Tory, and Radical, are as one in the great cause, and that all their political objects are to merge in that main object of promoting—their own pecuniary interest. Under such circumstances, why should we not hold ourselves prepared for the proposal of an export bounty of 20*s.* or 30*s.* the quarter upon wheat, and of proportionate sums on the other sorts of corn? Is it unreasonable to examine, beforehand, the nature and the effects of such a "measure to raise the price of corn?" Let it be supposed, then, that, by the sheer force of bounty, the export of the various sorts of grain be equivalent to a million of quarters of wheat, and that a million, or a million and a half of money, or more, is paid to the exporters out of the exchequer. Some new specific tax, in the first place, must be imposed, in order to raise that sum; and to this literal tax on the people, must

be added another tax, less evident, though not less real, of twenty or thirty millions more, in the increased price of the agricultural produce consumed at home. If this consequence did not ensue, the scheme would be abortive: but it would ensue, although it would not last, for all such methods of hot-bed prosperity contain the seeds of their own destruction. Agriculture would receive a false stimulus, whereby the produce of the three kingdoms would be greatly increased; our manufactures would languish, consumption would, consequently, fall off, and the surplus for exportation would increase, and thus the demand of the bounty would be enlarged, by double and re-acting causes, until the means of satisfying it utterly vanished, through the failure of the revenue to keep up the supply. Or, if for argument's sake, we suppose that the bounty could be continued, at an increasing rate, with decreasing means; then the only result would be, that we should fall back to the old state of a corn exporting country, and emulate, as such, the prosperity of Poland, and of the back settlements of America. If we are now indulging in extravagant reveries, it is because we consent to suppose, that this combination of all the political parties of the country, interested in land, under the one banner and rallying point proposed by the "Central Association," should be able to force a "measure to raise prices." They say, that with union among themselves, they are strong enough to accomplish any thing. Assuming the deed to be done, we speak only the plain language of common warning, when we advise the country to prepare for its ruin.

If, however, the old nostrum of an export bounty be not resorted to, by what new machinery, hitherto unthought of, will this association *raise* the price of corn above that rate at which it settles, under a total exclusion of foreign supplies?

We now come to treat of the means of reducing the cost of production, and particularly those parts of it which may be considered in the light of "burthens." Under this division of the subject, the first proposition which we present to the minds of our readers, is—that there is no commodity whatever, the cost of production of which, preserves its due relation to the sale price, in any degree equal to that in which corn necessarily does; and, therefore, the complaint of unremunerating prices for *corn*, is almost a contradiction in terms. If we look

at the outlay in agriculture, we find that the farmer's expenditure, consists mainly of the consumption of his own commodities. His chief engine is the horse, reared by himself: if therefore he feed his teams with oats when the price is 20s. the quarter, he ploughs his land at half the cost he would incur for that service, if oats were worth 40s. in the market. Again, the personal consumption of his labourers may be considered to consist of food, to the extent of two parts out of three; and therefore, if wheat be at 35s. a quarter, instead of 70s., there is a saving of one-third of that part of his outlay. In fact, corn reproduces corn in a greater degree by far, than any other commodity reproduces itself; and the main expenditure of the farmer is "in kind." For the sake of perspicuity, we will assume that the land furnishes two-thirds of the means of its cultivation; we have then to consider how the farmer stands with regard to his command of the other third. This must consist either of British manufactures or of foreign articles; and in fact it does consist of the two, in various proportions. Nothing is more notorious than the great fall in the price of British manufactures; and as they constitute, as it were, the money with which alone the landed interest buy foreign articles (for they produce nothing for exportation themselves), it must be the case; and we all know that the farmer's labourers are supplied with those necessities and comforts, which do not consist of agricultural produce, at a most reduced, most easy rate. It is certain that the fall in manufactures is much greater than the fall in corn and meat.

If we try any other occupation by the same test, we shall clearly see how great the advantage is which agriculture has over all others. In what degree, then, does the outlay of the ironmaster, or the worker of a cotton factory, consist of his own production—how much of their expenditure is "in kind?" If iron be at a low price, the ironmaster finds that the cost of his implements is the less on the debit side of the account; but the consumption of iron in other matters, and particularly in the support of his numerous workpeople, is so small as hardly to be traced. The owner of the cotton factory has no compensation for a low price of calicoes, except in the gowns and linen of his spinners and weavers. Let us try the case of mining for the precious metals, that

is, for money itself. The silver mines of Mexico are of all degrees of productiveness, whether varying in the richness of the ores, or the depths and difficulties of the workings. Their profitableness stops when the silver raised by a man in a given time, will not be equal in quantity, to the silver he must expend for his subsistence during that time; in other words, the owner of the mine will not give a pound of that silver, which is already out of the earth, to draw eleven ounces of other silver from its bowels. Practically speaking, the cost of mining for the precious metals, may be said not to be *in kind* at all; and, therefore, such mining is a trade, the first to be stopped by reduction of the price of its produce. Farming, on the other hand, is the trade which will be the last to be stopped by such a cause; because its cost is *in kind* in a far greater degree than any other.

We now come to those costs of production which consist of burthens.—They comprise taxes, and public contributions. These may be considered to be of three sorts:—*First*, direct taxes, paid towards the general revenue of the kingdom, attaching on the processes of agriculture.—The tax on farm-horses was of this description. *Secondly*, indirect taxes, paid also to the public revenue, upon the ordinary articles of consumption, such as soap, glass, beer, &c. And, *thirdly*, direct public contributions, but of a local character, such as poor rates, highway rates, tithes, county rates, &c.

The first in this list is soon disposed of. Farmers pay no direct taxes. There is a remnant of an old land-tax, which the times, by the increase of the property charged, have reduced to an insignificant per centage amount; and it attaches so directly to the property itself, of which it is a part not belonging to the owner, that it can influence the trade of farming in no way; except that it may operate as an almost imperceptible impediment to the bringing of fresh land into cultivation, and thereby increase his home competition. Practically speaking, there is no direct tax on agriculture.

How then will stand the case of indirect taxation; and in what shape is the complaint of the landed interest against that description of charge to be discussed? Really, it presents itself in a great variety of attitudes, and those of no very fixed character. The exclusion of foreign corn, grown in “untaxed

"countries," except upon payment of import *countervailing* duties, had been thought quite as much as was necessary, to constitute a claim on the landed interest, for their proportionate contribution to the general revenue of the country. The exclusion is most complete; and we are now told that their demand for exemption from taxes, is not founded upon foreign relations alone, but also upon some relation in which they stand, domestically, towards the other interests of the country. The question of the currency, whatever may be its worth on other parts of the subject, has no bearing upon this. The domestic relations of the agricultural and the trading interests, would remain the same, whatever may be the standard, or whatever the depreciation, or appreciation of the circulating medium. If the shilling be made to pass for eighteen-pence, it will be eighteen-pence for everything. The state of the currency does not apply peculiarly to farming.

With regard to the national debt, and to the collection of the general revenue, the relations of these two great branches of industry are not equally uniform: but the difference consists in the farmer's standing in a better position, than the manufacturer or common trader. The landed interest think that they prove the existence of a quadruplicated burthen upon themselves, when they show, in figures, that the national debt is four times as large as it was before the war. We will first expose the fallacy, and consequent exaggeration, contained in an estimate, which simply compares the respective amounts of the debt at the two periods, without drawing other contemporaneous comparisons. The population of the country, is nearly double what it was, at the time, when upon a winding up of the American war, the debt was about one-fourth its present amount. Here, then, are two men instead of one to bear the burthen, speaking only numerically; but he must be a poor observer, who is not aware, that the population has so increased in quality, as well as in quantity, that the individual shoulders are broader than of old. In spite of the grumblers, we assert, that the relative strength of the country to support the burthen of the debt, is almost as equal to it now, as it was, when the debt was only one-fourth of its present amount. The sum of that amount has long remained the same, while the sum of the supporting power has been steadily

increasing ; and so strong is the tendency to such increase, that, if we can but be kept under rulers who will let the energies of the country have fair play, there is ample ground for hope, that the people will not only grow up to, but actually outgrow the national debt. Let us only keep off the meddling, interfering quacks, who so ridiculously style themselves "*practical men* ;" and let us act upon those really practical principles, recommended by men, sneeringly denominated "*Philosophers*" and "*Theorists*" by impertinent dunces ; and we have no doubt that the day will arrive, when as heretofore, the evil of the national debt will be so lightly felt, that its utility as a fund for numerous domestic objects, will be its more prominent feature.

These remarks will not be deemed inapposite, by any person, who reflects on the character of many of the measures, which the landed interest feel justified in recommending, with an evil design on the funded property of the country. We hold out this bright prospect to the honest feelings of the people, as an inducement to oppose, with the more energy, the projects of these plunderers.

We have intimated our opinion, that the burthen of the national debt, lies more lightly on the agriculture, than on the common trade of the country—adopting the popular distinction between the two branches of industry—and we will now show why it does so. The form in which the national debt is felt by the people, is that of taxes to raise the interest. The evil of taxation is twofold ; the *charge* itself is an evil ; but in many instances it happens, that there lurks also in the *mode of collection*, another evil. From this second evil, the farmer, as a tradesman, is wholly exempt, except in the trifling matter of hops ; in respect of which we do not remember to have heard any complaint. When speaking of farming, hop planting is hardly ever taken into the consideration ; and although it be subjected to a small excise duty, it is at the same time protected by an enormous duty of customs ; and, indeed, we have only alluded to the subject that we might not be accused of omission.

Since the repeal of the horse tax, which took place early in the peace ; and since the subsequent repeal of every direct tax

on the farmer, down to his shepherd's dog, as the only remnant that could be found in the tax tables—and since too, he is relieved from the duty on fire insurance, which is borne by every other tradesman, there can be no shape in which the second evil of taxation—namely, the evil arising out of the mode of collection—can reach him. We are aware that the barley growers take upon themselves the credit of paying the malt tax; but this pretension is wholly put down, by the overwhelming fact, that the relative price of barley is, and has long been, higher than the contemporaneous price of wheat, which is free from all tax: we shall therefore unhesitatingly assign to the case of the maltster, as a manufacturer, all the inconveniences to which, for the immense national advantage of a revenue of five millions a-year, he is subjected. The recklessness of consequences, with which some of the leading members of the landed interest, have sought to deprive the country of that great resource, for the chance of a very small, and very questionable benefit to themselves,—has fixed a stain upon their names which will not be soon or easily discharged.

Now how stands this matter—this secondary evil of taxation—in the case of the manufacturer and trader? First, there are the several excise duties on glass, soap, malt, &c., and then there are numerous custom duties, which operate very injuriously for want of modifications, which, however desirable in principle, are deemed to be unattainable in practice, in consequence of the difficulty which is found, in the framing of the legal definitions necessary for their accomplishment. Take, for instance, the high-dutied article of tea, upon which, for such reasons, it has been found necessary, at last, to impose a uniform duty—let the sort or the quality be what it may.

This difference between the case of the farmer, and that of the common trader, which we have been pointing out, might not have been worthy of all the attention we have drawn to it, if the landed interest did not constantly assert, that the national debt is chiefly borne by them. It is now clear that they contribute only by indirect taxation as general consumers, and that their business or occupation is wholly free from direct taxes, and is, therefore, also unembarrassed, by the evils attendant upon the processes of collection. And this brings us

to the subject of indirect taxation, the amount of which is of course the larger, on account of the enlargement of the national debt.

It cannot be doubted that all taxes are ultimately thrown on consumption; because, if the consumer could in any case refuse to pay them, the production of the taxed articles would cease. The quantity, therefore, of the interest of the national debt, to which the farmer in his trade is subjected, must reach him almost wholly in the form of labour, the cost of which is increased, by the necessity of reimbursing to his work people, the shares which they pay in the higher prices of the goods they consume. The interest of the national debt, if computed as a capitation tax on the people, would give about 25s. the head, on rich and poor; but in the division between rich and poor, and particularly between skilled labourers and common labourers, it is probable that it would not amount to more than 15s. on the labourers in husbandry. It must be a very large farm upon which this would impose any heavy burthen, even supposing that the farmer were, from some cause wholly undiscoverable by us, to be unable, like other manufacturers, to throw it off again from himself upon the consumer of the article he produces. He has the same remedy as others have against the consumer, and it is the only remedy; he can restrain his operations till the consumer will pay; for, under our corn laws, the latter would only have the alternative of starving. During the exclusion of foreign corn from his market, the producer of British corn can have no pretence for saying, that he is burthened with taxes for which he cannot indemnify himself in the price of his goods. The greatest concession which can be made to him upon this point is, that a countervailing duty, equivalent to such taxes, should be imposed upon the importation of foreign corn; and there can be no question whether a duty exceeding the whole price, as the present duty does, will not satisfy that purpose. This is beating the party with their own weapons; but far be it from our intention to admit, that they have a right to the use of such weapons. General taxation is not a ground for a countervailing duty on the foreign commodity: it is the specific tax on the home article, paid by the maker, which, and which alone, demands the countervailing charge on the same article, when brought from abroad. This,



indeed, is no properly a protecting duty. It is demanded for the interest of the revenue in the first place; and, in the next place, it only restores the home maker to the natural equality, he is entitled to. But, if general taxation be a description of charge from which any class of society may claim exemption; or, if that be impracticable, as of course it would be—may claim indemnity or reimbursement—why may not any other and every other class claim the same? By whom, in short, are the taxes to be paid? Are the taxes of this country to be paid by the people of this country, or by the people of some other country?

Since, then, the taxes of consumption must be borne by the people of the United Kingdom as the consumers, upon what principle, we ask, is any one class of that people to be exempt from contributing their portion, according to their respective consumption, of the several dutiable articles? Upon what principle are the other classes to be called upon to bear, not only their own shares of the burthen, according to such consumption, but to take on them also the share of this privileged class? And again, what is the peculiar character by which the class, now claiming such a privilege, is distinguishable from their fellow subjects? The answer will be a curious one—it is simply, because they have got possession of all the lands of the country as their exclusive private property. The first gift to the human race, is held to have been conveyed in the words—"the world is all before you where to choose." And it was also said to man, "by the sweat of thy brow shalt thou eat bread." The people, therefore, according to the feudal notions of the landed interest, are, we presume, divided into "Choosers" and "Sweaters;" or, in other words, the division is between those few—very few comparatively—who, or whose predecessors for them, have seized upon every atom of the only clear gift from God to man—the land; and those many—that vast multitude of human beings—whose bread can be grown only upon the lands of others—lands, to step upon which is a trespass—of the produce of which, they cannot claim a single atom, until the holders shall be pleased to declare its price. These are the distinguishing characteristics of the two classes; and, upon the ground of such distinction alone, it is attempted to be shown that one

of them, the "Choosers," are to pay no taxes, except as the channel of collection; and that the other class, the "Sweaters," after having laboured daily and duly, first for their "bread," and next for the means of paying their own proper share of taxes, are to labour on still more, until they have paid also the taxes of the "Choosers." If the Central Agricultural Association can point out any mode, through the operation of which, the incomes of the landed interest can be increased, by an amount equivalent to the taxes they are computed to pay, the effect must be, that they pay no taxes themselves, and that their share of the taxes, which must be borne by some parties, will be paid by the rest of the community in addition to their own shares.

But what is most extraordinary, the landed interest have actually effected this purpose already. They have done the very deed: for they have devised and have executed, long ago, a scheme, by the operation of which, the *landless* are compelled to pay to the *landed*, a price for the home produce, over and above its natural value in open market; which, in the aggregate, must form a sum far more than equal to the gross amount of taxes, by which the price of all the articles consumed by the landed interest is increased. Supposing that the price of wheat is sustained to the extent of 10s. the quarter, and that the prices of other corn, and also the prices of meat, and of other agricultural produce, are sustained in an equal proportion, by force of the Corn Laws;—it is perfectly within bounds to say, that the gross proceeds of such additional prices, must form a sum, much greater than that, at which the aggregate of taxation, falling on this class of the community, can be computed. By the laws of property, they are enabled to say—"You shall not have that bushel of corn, except at such a price." And by the Corn Law, they are enabled to add—"and you shall have no other." Having thus secured their reimbursement of taxes, upon what pretension can the landed interest demand a second payment of the same claim? We carry in our hands their receipt in full for *our* payment; couched in the language, and stamped by the restrictions, of the Corn Act; as well as by the laws, which totally prohibit all kinds of cattle, sheep, and hogs, alive, or in the shape of meat, and which impose heavy duties on butter and cheese:

and yet, in disregard of this most palpable acquittance, vouched by the foreign markets, they rise upon us again, and demand a second payment. This, at least, is premature. They should certainly have waited for the levelling of the home and the foreign prices. The day, to be sure, may come, when the claim may have less injustice on the face of it than it now has, while the Corn Law secures to them a beneficial difference. Equalization seems to be in progress; and, perhaps, we shall not much longer have it in our power, to prove the *first* payment so distinctly as we now can, in the difference between the British and foreign prices of agricultural produce. When a continuation of the false stimulus of the Corn Laws, shall have increased the home productions, until their prices reassume their former level with those of the other parts of Europe, to which they are tending;—then, indeed, the landed interest will pay their own taxes. Then, too, it will require some other device—some new contrivance and machinery—for enabling them to throw off from themselves, as they now do effectually, their own share of the fiscal burthens of our common country.

We have already pointed to an extravagant export bounty, as a piece of machinery by which such an object might be effected. We can contemplate but one other for the same purpose,—and that is, to repeal all the duties on articles of use and consumption, and to commute them for a very heavy income and property tax, from which land shall be exempt. Mad and preposterous as such a proposal would be, we set it forth for deliberation, solely, because it would be a mode of doing openly and avowedly, the very thing which the landed interest would do, if they knew how, by circuitous means and hidden contrivances. If countervailing duties upon foreign articles do not afford, to the maker of the like articles at home, the protection which enables him to add the duties he pays to the price of his goods; and if, even, neither duties far beyond the countervailing point, nor the total prohibition of the foreign commodity, will arm him with the power, to throw from himself upon the consumer, the weight of his own personal taxes of consumption,—what is that plan, of a feasible aspect, which any man would propose for effecting such a purpose?

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The last division of those parts of the cost of production of corn, and other agricultural produce, which we have to examine, and which can be treated as burthens, is that of the local contributions, made from the land; to the support of the church, the highways, the police, and the poor, of the parish or district, in which the land subject to the demand is situated. There is a great distinction between a rate, or charge of this nature, and a tax levied towards raising the general revenue of the empire. The difference is analogous to that between the various dues on shipping, payable in different ports, and the duties of tonnage, when any, collected on behalf of the crown. The first are for work performed, and services received. Harbours are constructed, lights are stationed, piers are built, and wharfs are prepared, for the use of the shipping which frequent the port where the dues are payable. So also the district charges upon land, are applied for the benefit of its owners and occupiers: and the circumstance, that those charges, instead of being voluntary, are enforced by the law, proves only, that they are the more equally levied, and more efficiently employed in the attainment of objects, which from their urgency, would otherwise be attempted, and but ill accomplished, by the desultory efforts of individuals. It is highly proper that these charges should be local: first, because the requisite amounts in various cases are governed by local peculiarities: and, next, because, as the disbursements must lie with the discretion of the respective parties, there is the greater security against improvidence.

The landed interest, when they asked only for monopoly, constantly instanced these charges as among the grounds of such a demand, and, at least, as a reason for countervailing charges on foreign corn: but it was a false plea even for that purpose; because foreign countries stand in need of churches, of highways, of police, and of funds for their poor, as well as we do. It may, no doubt be, that in some foreign countries, no regular provision is made for such objects; but then, it may be asked, will any man attempt to show by calculation, that the cultivators of districts, having none of the accommodations, for the sake of which the British districts contribute the necessary funds, are thereby enabled to raise corn, and convey it to its market the more cheaply? Such an assertion

would be equivalent to a declaration, that every step in the improved methods of civilisation, was a retrogressive movement towards the savage state. In foreign countries the inhabitants either have the benefits of such local arrangements; and, if so, they have them only at the price of their cost; or, if they save the cost, then they are suffering, in the want of those benefits, a quantity of evil by no means compensated by the saving.

Desirous as we are to probe the question of the "Corn Laws" to the bottom, we have here shown that these local charges upon land furnish no ground, even for a countervailing charge upon foreign corn. How much less, then, can they be the ground of complaint, when foreign corn is totally excluded by an enormous duty. Confined for room, and pressed for time, in consequence of the recency of the proceedings which have forced this preparatory discussion upon us, we can, here, and now, only treat these local charges with reference to their general principles. Every possible improvement, in details, ought no doubt to be made in their collection and administration; and such ameliorations are in progress. The tithes will be commuted, and the barbarism of a charge upon *gross* produce will soon become, like its rude origin, matter of history only: and we may anticipate, also, that an assimilation of some sort, will, before long, place Ireland, in respect of an unemployed pauper population, more nearly than she now is, upon a footing with England. But let not the sanguine agriculturist believe, that the pecuniary advantages of these measures, will settle themselves quietly into his pocket. When the cultivator of the soil is unrestrained in his spirited improvements, as he often now is, by the deadening calculation—that if his invested hundred pounds increase only by ten pounds, an ample return in any other case, he will close the account with no more than ninety-nine pounds in his pocket—it may be expected, that much increased capital will be expended upon our lands, and that much increase of produce, to supply our markets the more abundantly, and therefore the more cheaply, will be the result. And again, when under a system of poor laws in Ireland, human beings are no longer found to be contending for small plots of land to preserve existence; and when the estates in that country can therefore be allotted into

suitable farms, and the people can be divided into masters and workmen; it may be expected, that the system of good and business-like husbandry, which then will assuredly supersede the present miserable practices, must tend to increase the productions of that naturally fertile island, in a degree, far exceeding that degree, in which its own home consumption will be at the same time enlarged. That that consumption will, to the gratification of every humane mind, be much enlarged by such changes of condition cannot be doubted. It is also to be believed that fewer starving Irish will then cross the channel for employment, in competition with English labourers. These two anticipations of our landed interest in England will be specifically realized, when, by the operation of a poor law, Ireland shall be no longer permitted to export human food, while her population are dying with famine. But the English landlords will be disappointed of those pecuniary advantages to themselves, for the sake of which they urge the adoption of the measure.

Upon rents we have at present little to say. They are private contracts in which the public has no voice, unless appealed to by the parties themselves. That the rents need not be reduced in the ratio of the reduction of the price of corn, is perfectly clear, if the other costs of production have, as we believe they have, been reduced in a still greater degree. Land is the raw material of corn, and its value computed in rent, must, like the value of other raw materials, be governed by the state of supply and demand. The improvements in husbandry and the increased facilities of conveyance which have already been noticed, are equivalent to the new acquisition of a larger surface of fertile lands, which, in proportion to their quantity and quality, tend to diminish in various degrees the ground of rent for the better parts of the older possessions, and to destroy that of the worst. It cannot now be said that we throw our inferior soils out of cultivation, by admitting the produce of the rich soils of foreign countries; the cuckoo note of this old and once constant cry is completely silenced. The operative cause is in our own richer or more tractable soils, which, under the application of greater skill, are increasing in productiveness at even a faster rate than the population increases to consume its produce. Some partial inconvenience may be suffered in such a

case, but it is without remedy. What owner of a poor soil will have the front to propose, in these days, that the cultivation of certain lands, or the use of certain systems at home, shall be prohibited? We say pointedly, *in these days*, for the attempt, if made, would not be without a precedent; the owners of the old meadows in England, once petitioned for the prohibition of the artificial grasses.

While Spitalfields and Coventry were protesting, that without assistance against foreigners, they could carry on their trade no longer, Manchester stepped quietly in and took it out of their hands. While session after session it was asserted, that the shipping of England had become of no value, under its competition with foreign shipping; every year produced its abundant crop of new vessels built in the teeth of such protestations. Each of these great interests felt that they could not propose to check the spirit of domestic adventure: although, with some remnant of apparent plea against foreign interference, they have found it necessary to prepare themselves in good earnest, to contend with home competition. To the landed interest there is not a plausible particle of such a plea left; and we will tell them fairly, for their good, which has our best wishes, that the *Criers to Hercules* will be utterly lost, if they suffer themselves to be left behind in the mire, by those who adopt the laudable alternative of putting the *shoulder to the wheel*. Let them look at the map of Great Britain and Ireland—let them compute the productive powers of the lands, within the sea-girt boundaries of the British Islands—let them reflect on the quantity of growing capital in the kingdom seeking investment—and, also, on the quantity of able-bodied labourers, who will in future be *productively* employed, instead of being supported in idleness, as they have been. These will be new producers without being new consumers—a portentous consequence which has not received half the consideration it deserves. Let them also advert to the spirit of invention which is ever at work to save the consumption of food—a spirit first, and too strongly, excited by themselves. And when they have well weighed these, and similar matters, which must influence their *future* prospects—let them turn their mind to certain important facts of their *present* case. If, upon any former occasion, one of their most sanguine members had, in

prophetic mood, set himself to work to describe the state of things, which would imply a condition of great agricultural prosperity, he would have drawn the picture of the present times. The great features of that picture are these. The population of the country has doubled in the last half century, and its increase is still in rapid progress. Our ports are, and have long been, shut against foreign corn. Five successive seasons have been fruitful in produce, and fortunate in harvests. We have been enabled, in the period of a few years, to repeal taxes from time to time, computed to produce in the aggregate fifteen millions—and yet, such has been the buoyant state of our general prosperity, that the measure of the revenue has, after every remission, been quickly filled again to the brink, and again has overflowed. Great reductions have been made in the national expenditure, without any diminution of the national service or the national splendour; the interest of mortgages has been lowered from five to four per cent., as a maximum; we have given twenty millions of money for the abolition of slavery, and provided for the interest of the stock created by it, out of our redundant revenue; every branch of commerce and manufactures is in full and profitable employ, furnishing millions of operatives, and their attendant population, with the ample means of commanding for their use, the products of our soil; immense sums of our surplus capital, such as, ten years ago, under apprehensions of scarcity at home, was seeking investments in foreign countries, now, under the happy prospects of plenty in our own country, are being applied to great national undertakings, finding employment and good wages for common workmen, and unskilled labourers out of number. It has often been observed, that the producers of food, measure the wants of the people, not by their physical wants, but by their pockets—by their ability to buy, and not their ability to eat—and, that when the price is not to their satisfaction, they say that there is no demand, although millions be only half fed. But of the picture we have been drawing, in the very foreground are the strong lines of a remarkable purchasing power—the effective demand of the pocket, as well as the natural demand of the appetite.



Will the Agricultural Associations reflect on these descriptions of the past and present state, and the future prospects, of the country? Will the Grand Central Society—we beg pardon for our mistake in adding to their title the term “grand”—it is a word in bad odour, and they have had too good taste to assume it—will then the “Central Society” ponder over these reminiscences, and carry in their minds the lessons they afford, and the guides they offer to them, when in their committees, as men of business, whose characters will be compromised by their approval of crude, absurd, and impracticable schemes, they are discussing the “measures” they shall propose for removing the “overwhelming distress” under which they have proclaimed that they are suffering? Say rather, will they not blush at such perversion of language? Will they not be ashamed to take their stand before the public with a cry of distress as self-dubbed paupers, and as spendthrifts confessed? Will they mix their whining complaints with the “busy hum of men,” which would otherwise, in these piping times, consist only of sounds arising out of universal cheerfulness of voice and alacrity of movement? We put one more question—will the really great, noble, and rich of our aristocracy, by their silence, suffer it to be thought, that they hold themselves to be represented by the members of this Central Society?

In a very few days from the time while we are writing, with the impatient printer at our elbow, the High Court of Parliament will be convened. Our Constitutional Monarch will then, through his Parliament to his people, promulgate those sentiments, which, in the wisdom of His Councils, are thought fit to be so made known. May we be permitted to express a hope that, upon this occasion, the blessings of Providence will not be again spoken of as a visitation of evil. Five successive plentiful seasons have, by the bounty of the Almighty, “filled “the hungry with good things:” and shall our gracious King, because a few of the “rich have been sent empty “away,” be advised to soothe the ears of his robed and titled auditors, with lamentations over the privation of some of their superfluous and imaginary luxuries; instead of pouring forth, from the true dictates of his own kind heart, his grateful acknowledgments to Divine Providence, for so plentiful a

bestowal of those gifts of nature, which constitute the blessings of the human race? Blessings—for which man is awfully responsible, if, through human institutions, they are converted into curses, or are profanely so denominated.

The subject of currency we mention, almost only to say that we are quite aware of the intentions of the landed interest, in regard to the circulating medium of the country.

It may not, however, be amiss to advert now to that particular view of the subject on their part, which is the exciting cause of their present violent movements. They treat the continuous fall in the prices of corn, since the return to cash payments, as evidence of the magnitude of the preceding depreciation. A greater mistake never was made. If a country, after having lost its precious metals, by an excessive issue of bank paper, sets about in earnest to recover them by withdrawing the necessary amount of its notes, the greatest consequent depression of prices will occur first, when they will be forced even below the proper level; and they will be kept below that level, until the quantity of gold sufficient to saturate the circulation is obtained. This end being accomplished, the prices will recover again, and take their proper station in the common markets of general commerce. It is only by offering to other countries its own goods at unusually low prices, and refraining to buy their's, that any country can suddenly draw to itself an unusual quantity of the precious metals: but when the commercial intercourse is again carried on in goods, that country is enabled to demand for her's a full equivalent; and, accordingly, getting a better price for her exports, her general prices participate in the rise. The steady and gradual fall in the price of corn, which we have been witnessing for a number of years after the restoration of our metallic currency, furnished positive evidence that the cause of that fall does not lie in the circulating medium. With respect to the general question, we hold that it has nothing to do with the particular case of the landed interest; and we may expect that the ignorance of the simplest rudiments of the science displayed by their orators, will ensure their ready discomfiture, whenever they attempt to enforce their notions upon any deliberative body of men. To that fate, then, we shall be content to leave them for this time: and we doubt not, but that we shall

be early enough in the field in our next number, if, contrary to our expectations, such weak assailants be able to preserve any thing like a front in the presence of their opponents. Upon this and all other subjects, we shall honor the Central Agricultural Society with our best attentions. For the present, we take our leave of them.

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### ARTICLE XIII.

*De la Démocratie en Amérique.* Par M. ALEXIS DE TOCQUEVILLE, Avocat à la Cour Royale de Paris, 8vo., 2 vols. Paris: 1835.

*Democracy in America.* By M. ALEXIS DE TOCQUEVILLE, &c., translated by HENRY REEVE, Esq., 8vo., 2 vols. London: 1835.

WE question whether any of the readers of this very striking and able book, have sat down to peruse it, with as much impartiality, as M. de Tocqueville has shown in its composition. Remarkable as it is in many respects, luminous in its details, comprehensive in its design, and consistent in its parts, we are inclined to place its even-handed justice above its other merits, as the rarest and most prominent of them all. The author displays singular dexterity in detecting and appreciating the force and action of those elements in the American Constitution, which, like the hidden and more delicate springs in a piece of complex mechanism, escape the notice of the ordinary observer; though it is by their influence alone that the motion of the whole is caused, or can be accounted for. But we esteem even more highly the tone of dispassionate philosophy in which he treats the conflicting powers of the social system; and the calm discernment with which he turns from the immediate object of his inquiry in the American States, to the condition of the communities of Europe, and to the question of democracy in the world. "This book," says he, "is written to favour no particular views, and in composing it I have entertained no design of serving or attacking any party—I have undertaken not to see differently, but to look further than parties, and whilst they are busied for

"the morrow, I have turned my thoughts to the future." To this declaration of an independence of opinion, which very few politicians of any day are inclined to understand or to admit, we may justly refer the very opposite judgments which have been passed on the real tendency of M. de Tocqueville's book. He has stated the mixed and respective good and evil of democratic and aristocratic institutions so fully and fairly, that the candid reader, left to form an opinion—but enabled to form a more enlightened opinion—of his own, may decide in favour of the one or the other. The positions of the author are not absolute, but relative. Whatever may be the ends of government, his first object is to describe the means by which democracy has been established in America; and whilst he approves the skilful adaptation of a new political system to that new people, he leaves the reader to adopt such conclusions as to the value and fitness of the democratic principle in itself, as may result from a knowledge of what it is able, and what it is unable to effect.

"When the opponents of democracy assert that a single individual performs the duties which he undertakes, much better than the government of the community, it appears to me that they are perfectly right. The government of an individual, supposing an equality of instruction on either side, is more consistent, more persevering, and more accurate, than that of a multitude; and it is much better qualified, judiciously to discriminate the characters of the men it employs. If any deny what I advance, they have certainly never seen a democratic government, or have formed their opinion upon very partial evidence.

"Democracy does not confer the most skilful kind of government upon the people, but it produces that which the most skilful governments are frequently unable to awaken;—namely, an all-pervading and restless activity, a super-abundant force, and an energy which is inseparable from it; and which may, under favourable circumstances, beget the most amazing benefits. These are the advantages of democracy.

"We must first understand what the purport of society, and the aim of government, is held to be. If it be your intention to confer a certain elevation upon the human mind, and to teach it to regard the things of this world with generous feelings;—to inspire men with a scorn of mere temporal advantage;—to give birth to living convictions, and to keep alive the spirit of honourable devotedness;—if you hold it to be a good thing to refine the habits, to embellish the manners, to cultivate the arts of a nation, and to promote the love of poetry, of beauty, and of renown;—if you would constitute a people not unfitted to act with power upon all other nations, nor unprepared for those high enterprises which, whatever be the result of its efforts, will leave a name for ever famous in time;—if you believe such to be the principal object of society, you must avoid the government of democracy, which would be a very uncertain guide to the end we have in view.

"But if you hold it to be expedient to divert the moral and intellectual

activity of man to the 'production of comfort, and to the acquirement of the necessities of life;—if a clear understanding be more profitable to men than genius;—if your object be, not to stimulate the virtues of heroism, but to create habits of peace;—if you had rather witness vices than crimes, and are content to meet with fewer noble deeds, provided offences be diminished in the same proportion;—if, instead of living in the midst of a brilliant state of society, you are contented to have prosperity around you;—if, in short, you are of opinion that the principal object of a government is not to confer the greatest possible share of power and of glory upon the body of the nation, but to insure the greatest degree of enjoyment, and the least degree of misery, to each of the individuals who compose it;—if such be your desires, you can have no surer means of satisfying them, than by equalizing the conditions of men, and establishing democratic institutions.

*"But if the time be passed at which such a choice was possible, and if some superhuman power impel us towards one or other of these two governments without consulting our wishes, let us at least endeavour to make the best of that which is allotted to us; and let us so inquire into its good and its evil propensities, as to be able to foster the former, and repress the latter to the utmost."*—(Vol. II., pp. 139—142.)

Although we cannot wholly assent to the definition of either one or the other of the alternatives, which our author gives in this passage, we have quoted it as an instance of the impartial view which he takes of both sides of the question; and because the concluding sentence of our extract succinctly expresses the entire object of the work, which is explained at greater length in the introduction. The limits of these pages forbid us to enter upon an analysis of the details of the American constitution, which the volumes before us contain. For the accurate and instructive account of the government of the United States, which is here for the first time presented to the European public, we refer our readers to the work itself, and the British public in particular to the able and impartial translation of *Mr. Reeve*. Our own intention is to follow M. de Tocqueville through those parts of his book which he has devoted to the social characteristics of the American people, as they stand connected with the present success and future stability of a democratic republic in that country; and to inquire into the nature of the changes and perils which threaten them. We shall necessarily leave a multitude of points untouched in so cursory a notice of a book, which has much of the point and minuteness of Montesquieu, joined to the speculative wisdom of Harrington. But we shall borrow sufficiently from its pages to illustrate the great political lesson which the United States present to our attention.

The first and most obvious causes of the present importance of the North American republics, may be traced to their origin and their physical position. Whatever may be the fate of those states, and whatever may be their influence upon the happiness and the greatness of mankind, their origin belongs to one of the most memorable eras of the human race. It was at the very time that Europe had become too narrow for the stirring spirits to which the sixteenth and seventeenth centuries gave birth, when enough of chivalry remained to impel the bold, when religious persecution drove forth the good, and political differences obliged the wise and the experienced to seek the Transatlantic shores, that the savannahs and the forest of the American continent opened a new sphere of action, and a new land of refuge. Many were the Hampdens, whom the chances of the weather did not retain in the ports of Britain, but who exchanged the glory and the perils of their brethren in the faith and liberties of the commonwealth, for the better glory of the founders of another empire, and the ruder perils which awaited the Pilgrims of New England. Whilst the population of the northern colonies was educated in the practice of strict morality, sincere religious observance, and in the knowledge of a freedom not unworthy of the race from which it sprang, the southern plantations were gradually forming and maintaining a class of men, possessing most of the best qualities of an aristocracy\*, who were destined to head the struggle for independence. They completed their triumph by the federal organisation of the union; and although they have long since ceased to exist as a class, or to control the increasing democracy of the American people, the nation still reaps the fruits of their wisdom.

When the belt of land, which runs along the shores of the Atlantic, was already explored and inhabited, the fertility of the valley of the Mississippi stimulated the industry of the settlers, and supplied the commerce of the maritime states.

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\* "The reasons for which it was impossible to establish a powerful aristocracy in America, existed with less force to the south-west of the Hudson. There the great proprietors constituted a superior class, having ideas and tastes of its own, and forming the centre of political action. This kind of aristocracy sympathised with the body of the people, whose interests it easily embraced; it headed the insurrection in the South, and furnished the best leaders of the American revolution."—(Vol. I., p. 50.)

Uncultivated regions lie open to the vast army of our race, which is rolling onwards, unrestrained, laden with all the treasures of its long experience, and relieved by the exuberance and the extent of the soil, from the pressure of a dense population, and the traditionary load of social ills. The Americans themselves seem to regard their present settlements as only the frontiers of the territory upon which they are entering, and a numerous people, born in New England, passes westward every year, whilst its place is supplied by a rapidly increasing population, and by emigrants from the Old World. At an early period, the increasing produce of the arts, of manufacture, and the increasing consumption of the necessities and luxuries of life, in the states of Europe, aroused a spirit of commercial activity in the Western World, augmented the political importance of the American states, strengthened their young institutions with the golden clasps of prosperity, and animated the settlers to improve and appropriate the treasures of the land.

Yet however striking may be the historical and geographical advantages which attended the foundation of the United States, we are inclined fully to acquiesce in the opinion of M. de Tocqueville, when he asserts that

“The effect which the geographical position of a country may have upon the duration of democratic institutions is exaggerated in Europe. That too much importance is attributed to legislation—too little to manners; and that if these three great causes were to be classed in their proper order, physical circumstances would be counted as less efficient than the laws, and the laws as very subordinate to the manners of a people.”—(Vol. II., p. 261.)

In the volumes before us he traces the effect which the ~~manner~~ of the Anglo-Americans have in supporting their democratic institutions; and we have very great pleasure in learning that before many months have elapsed, a third volume will be added to the work, in which he will point out the reciprocal effect of democratic institutions and manners on the character of the people. This project, which is vaguely announced in the published introduction, is now, we understand, in the course of execution. Enough however has already been said, in the very first page, to show that the general and all-pervading equality of conditions is the basis of the democratic institutions of the United States. This principle was, in point of fact, recognised from the foundation of the colonies, and it has ever

since influenced the laws, far more than it has been influenced by them. The equality of conditions, then, with all its moral and social consequences, furnishes the surest grounds for appreciating the present political condition of the Union, and the chances of its permanent prosperity. In the manners of the people lie the root and reason of that success which has been denied to the rich territory of the South American States, and of the practical application of those laws, which Mexico has imitated in vain. The peculiar circumstances of the origin of the Anglo-American republics, and the earliest incidents of their history, show that the equality of conditions was not only a consequence, but an actual part of their earliest constitution :

“ The child is father of the man ; ”

and the very nature of the task which awaited the inhabitants of those countries, confirmed the principles and the conduct of their legislators and progenitors.

“ The settlers, who established themselves on the shores of New England, all belonged to the more independent classes of their native country. Their union on the soil of America at once presented the singular phenomenon of a society, containing neither lords nor common people, neither rich nor poor. These men possessed, in proportion to their number, a greater mass of intelligence than is to be found in any European nation of our own time. All, without a single exception, had received a good education ; and many of them were known in Europe for their talents and their acquirements. The other colonies had been founded by adventurers without family. The emigrants of New England brought with them the best elements of order and morality ; they landed in the desert accompanied by their wives and children. But what most especially distinguished them was, the aim of their undertaking. They had not been obliged by necessity to leave their country ; the social position they abandoned was one to be regretted, and their means of subsistence were certain. Nor did they cross the Atlantic to improve their situation, or to increase their wealth ; the call which summoned them from the comforts of their homes was purely intellectual ; and in facing the inevitable sufferings of exile, their object was the triumph of an idea.

“ The emigrants, or, as they deservedly styled themselves, the pilgrims, belonged to that English sect, the austerity of whose principles had acquired for them the name of Puritans. Puritanism was not merely a religious doctrine, but it corresponded in many points with the most absolute democratic and republican theories. It was this tendency which had aroused its most dangerous adversaries. Persecuted by the government of the mother country, and disgusted by the habits of a society opposed to the rigour of their own principles, the Puritans went forth to seek some rude and unfrequented part of the world, where they could live according to their own opinions, and worship God in freedom.”—(Vol. I., p. 24—26.)

The account which M. de Tocqueville gives of the piety,



simplicity, and virtuous freedom of these men, and of the codes promulgated in the states of Massachusetts and Connecticut, in the years 1648 and 1650, is one of the most interesting parts of the book. We dwell with delight upon their quaint narrative, and their devout social contract, in which we trace the foundation of the three great institutions which still exercise an undiminished influence on the people of the United States; *viz.* universal instruction, independent municipal government, and the abolition of the law of primogeniture.

To these institutions the whole social system of the Americans must be referred, since they immediately affect the culture of the understanding, the direction of human activity, the disposal of property, and govern the three great elements of society,—knowledge, power, and wealth. It is abundantly easy to show, that, by their influence, democratic institutions have been maintained; and that each succeeding generation (in a country whose annals can scarcely be reckoned by generations) has witnessed the increasing predominance of democracy. But it is more doubtful whether the same conditions which act as such powerful stimulants to the exercise of popular authority, will furnish, or even permit of the necessary checks to popular licence. It remains to be seen whether they are calculated to entrust the guidance of the state to the wise and good, and whether they will allow the work of human improvement to advance, unthwarted by the errors and turbulence of revolution. We have already pointed out the connection which exists between the laws and manners of a country; and by the very nature of their reciprocal influence, the laws which tend to render the manners of a people more democratic, do, in fact, tend to prepare the way for other and more democratic laws. They undermine the ground on which they rest, until the stages of imitation become interminable, and their extent indefinite. We have M. de Tocqueville's authority for believing, that "the most advantageous situation, and the best possible laws, cannot maintain a constitution in spite of the manners of a country." It therefore becomes a matter of paramount importance, that the institutions of the country should be so directed, and the legislative power so applied, as to maintain the principles of public order

and public justice in the *manners* of the people; since any relaxation of the bonds of the social system, must perforce waste the prosperity, and impair the political constitution of the country.

In the seventeenth century, the connection which exists between civil and religious liberty and popular instruction, was never forgotten by the "Pilgrim Fathers." Accordingly, we find that one of the first acts of the settlers in New England, was to establish schools in every township of their colonies, on the ground that, "one chief project of Satan, is to keep men from the knowledge of scripture, by persuading from the use of tongues." These schools were formally recognised by the state; the municipal authorities were bound to enforce the attendance of children, and, in case of continued resistance or neglect on the part of the parent, the community stepped in to deprive the father of those natural rights which he abused. This most important and most honourable of American institutions, has not been suffered to decline. Large sums are annually voted to furnish gratuitous instruction to the people; and, as an instance of the attention paid to the subject by the governments, we may mention that copies of Mrs. Austin's excellent translation of the "French Report on Education in Prussia," have been officially distributed throughout the state of New York. But whilst the means of education in America are great and accessible, the purposes of instruction are conformable to the republican condition of society. The constant exercise of political rights, and the habitual discussion of political topics, demand the application of that modicum of information with which the American citizen is furnished. In the United States, politics are the end and aim of education. The literature of the country, or at least the ordinary reading of the mass of the nation, consists in the fugitive productions of the worst newspaper-press which ever existed. But the imperfections of this system of mental cultivation, are compensated by the habitual discharge of functions, which undoubtedly invigorate the good sense of the people. M. de Tocqueville has pointed out the tendencies of the education given to the American nation, with his usual sagacity. He observes, that a just opinion on the state of instruction amongst the Americans, can only be formed by considering

the same object from two different points of view. If the inquirer singles out the learned, he will be astonished to find how rare they are; but if he counts the ignorant, the American population will appear to be the most enlightened community in the world. On general subjects, connected with Europe, an American will take up with those crude and vague notions, which are so useful to the ignorant all over the world; but on subjects connected with the government of his own country, his language will become as clear and as precise as his thoughts.—(Vol. II., p. 254.)

It is precisely this substitution of quantity for quality, and this general diffusion of a little learning on subjects of restricted and immediate utility, which may retard the full development of the human mind, and prove prejudicial even to the maintenance of good government in America. To be a good politician, a man must be much more than a politician. The first advantages of political instruction to the people, are obvious in the increased ability with which they fulfil their local public duties; and, in this respect, the education of the people in the German states has evidently been repressed, or directed into a particular channel, by the watchful jealousy of their governments. In Germany, the purpose of education is the formation of characters, fitted for the duties of private life. In America, the nature and the object of instruction is the formation of citizens possessing those qualities which fit them to play a part, though a subordinate part, in the daily struggle for power. They learn to know their interests, while they remain unacquainted with the principles by which those interests ought to be governed and controlled. The parties which they espouse are formed and headed by some individual who flatters or impersonates these interests; and it is frequently his influence, as much as the cause of political truth, that commands their support. The parties of the *ites*, succeed the parties of the *ists*; and we hear of Clayites and Jacksonites, instead of Federalists and Republicans. Thus, the common instruction of the American citizens may be said to present obstacles to the sound administration of the commonwealth. Far be it from us to advance these remarks with a view to slight the influence of national education, or to blame exertions made in a cause to which we would willingly devote

all the powers we possess. But what we demand, is an education equally adapted to perfect the moral, the domestic, and the intellectual man; not a mere training of gladiators for the arena of politics, which stimulates the activity without enlarging the heart. We derive from the pages before us, an ample corroboration of our opinion.

“Many people in Europe are apt to believe without saying it, or to say without believing it, that one of the great advantages of universal suffrage is, that it entrusts the direction of public affairs to men who are worthy of the public confidence. They admit, that the people is unable to govern for itself, but they aver that it is always sincerely disposed to promote the welfare of the state, and that it instinctively designates those persons who are animated by the same good wishes, and who are the most fit to wield the supreme authority. I confess that the observations I made in America by no means coincide with these opinions. On my arrival in the United States, I was surprised to find so much distinguished talent among the subjects, and so little among the heads of the government. It is a well-authenticated fact, that, at the present day, the most talented men in the United States are very rarely placed at the head of affairs; and it must be acknowledged that such has been the result, in proportion as democracy has outstepped all its former limits. The race of American statesmen has evidently dwindled most remarkably in the course of the last fifty years.

“Several causes may be assigned to this phenomenon. It is impossible, notwithstanding the most strenuous exertions, to raise the intelligence of the people above a certain level. Whatever may be the facilities of acquiring information, whatever may be the profusion of easy methods and of cheap science, the human mind can never be instructed and educated without devoting a considerable space of time to those objects.

“The greater or the lesser possibility of subsisting without labour is, therefore, the necessary boundary of intellectual improvement. This boundary is more remote in some countries, and more restricted in others; but it must exist somewhere as long as the people is constrained to work in order to procure the means of physical subsistence, that is to say, as long as it retains its popular character. It is, therefore, quite as difficult to imagine a state in which all the citizens should be very well informed, as a state in which they should all be wealthy; these two difficulties may be looked upon as correlative. It may very readily be admitted that the mass of the citizens are sincerely disposed to promote the welfare of their country; nay more, it may even be allowed that the lower classes are less apt to be swayed by considerations of personal interest than the higher orders; but it is always more or less impossible for them to discern the best means of attaining the end, which they desire with sincerity. Long and patient observation, joined to a multitude of different notions, is required to form a just estimate of the character of a single individual; and can it be supposed that the vulgar have the power of succeeding in an inquiry which misleads the penetration of genius itself? The people has neither the time, nor the means, which are essential to the prosecution of an investigation of this kind; its conclusions are hastily formed from a superficial inspection of the more prominent features of a question. Hence it often assents to the clamour of a mountebank, who knows the secret of stimulating its tastes, whilst its truest friends frequently fail in their exertions.

" Whilst the natural propensities of democracy induce the people to reject the most distinguished citizens as its rulers, these individuals are no less apt to retire from a political career, in which it is almost impossible to retain their independence, or to advance without degrading themselves. This opinion has been very candidly set forth by Chancellor Kent, who says, in speaking with great eulogiums of that part of the constitution which empowers the executive to nominate the judges:—' It is, indeed, probable that the men who are best fitted to discharge the duties of this high office, would have too much reserve in their manners, and too much austerity in their principles, for them to be returned by the majority at an election where universal suffrage is adopted.' Such were the opinions that were printed without contradiction in America in the year 1860."—(Vol. II., pp. 47—51.)

Whatever may be the evil consequences of a system in which a little knowledge is swelled into importance, by being joined to an incommensurate degree of power, it cannot be doubted that nothing is more conducive than practical political information, to the order and prosperity of those municipal institutions, which are the basis of the American constitutions. In New England, more especially, the government of the American townships has received the sanction of time; it is there best protected by the laws, and best exercised by the people. In the accurate analysis given by M. de Tocqueville, of these institutions, we become acquainted with the surest safeguard of American freedom. It is with great truth that he compares the townships, municipal bodies, and counties, to concealed breakwaters, which check or divide the current of popular excitement. He admits that society in America is subject to all those evil passions, mistakes, and perversities, which originate in human nature; but amongst the great and successful efforts which the Americans have made to counteract those imperfections, and to correct the natural defects of democracy, he places their municipal laws in the foremost rank, as a means of restraining the ambition of the citizens within a narrow sphere, and of turning the passions, which might have worked havoc in the state, to the good of the township, or the parish.

In all countries which are blessed with a constitutional government, it is not disputed that the people is the *source* of all legitimate power. The influence of public opinion—of that great choral voice, which speaks louder than senates, ministers, and kings—is acknowledged to possess a just and irresistible authority. But it is not yet decided how far the undoubted

right of the people to be well governed, entitles them to the direct and immediate *exercise* of the actual functions of legislative and executive power. Yet, whatever may be the solution of this great problem, the direct interference of a very large proportion of the citizens, in the administration of the localities, to which they themselves belong, is already adopted as an established principle in all the most enlightened nations. We have very recently had occasion to advert to the revival of the ancient municipal liberties of England, which received the sanction of the legislature during the last session of Parliament. In France, one of the first and best consequences of the revolution of 1830, was the admission of a larger proportion of the citizens, into the administration of local affairs; and although the system of that country still retains the central character which it derived from the Empire, the qualification of the members of the Conseil Municipal is now exceedingly low. In the small but absolute monarchies of the North of Europe, the most entire local independence prevails; and in Prussia, the rigorous and exclusive authority of the crown is tempered by municipal institutions, which are not unworthy of one of the best educated nations in the world.

"In New England," says our author, "townships were completely and definitively constituted as early as 1650. The independence of the township was the nucleus round which the local interests, passions, rights, and duties collected and clung. It gave scope to the activity of a real political life, most thoroughly democratic and republican. The colonies still recognised the supremacy of the mother country; monarchy was still the law of the states, but the republic was already established in every township. The towns named their own magistrates of every kind, rated themselves, and levied their own taxes. In the laws of Connecticut, as well as in all those of New England, we find the germ and gradual development of that township independence, which is the life and mainspring of American liberty at the present day."—(Vol. I., p. 40.)

The exercise of power by the inhabitants of a township, amounting in number to two or three thousand, is a task to which a population, educated like that of the American states, is admirably competent. The interests of small communities are not likely to conflict so violently as to endanger the safety of the state. The number of the public functionaries, and their frequent return, remove all fear of malversation, or the acquisition of undue authority. When affairs arise which exceed the ordinary importance of civic business, confidence in the ability of the men chosen to direct them, compensates for

the inaptitude of the people at large. The township is accountable to the county and the state for the discharge of its duties, and its municipal privileges may be looked upon as tasks, confided by a master to a skilful apprentice, who instructs himself by the execution of such parts as he is best able to complete.

"In the United States it is believed, and with truth, that patriotism is a kind of devotion, which is strengthened by ritual observance. In this manner, the activity of the township is continually perceptible; it is daily manifested in the fulfilment of a duty, or the exercise of a right; and a constant, though gentle motion is thus kept up in society, which animates without disturbing it.

"The existence of the townships in New England is in general a happy one. Their government is united to their tastes, and chosen by themselves. In the midst of the profound peace and general comfort which reign in America, the commotions of municipal discord are unfrequent. The conduct of local business is easy. The political education of the people has long been complete; say rather that it was complete when the people first set foot upon the soil.

"The native of New England is attached to his township because it is independent and free; his co-operation in its affairs ensures his attachment to its interest; the well-being it affords him secures his affection; and its welfare is the aim of his ambition and of his future exertions; he takes a part in every occurrence in the place; he practises the art of government in the small sphere within his reach; he accustoms himself to those forms which can alone ensure the steady progress of liberty; he imbibes their spirit; he acquires a taste for order, comprehends the union or the balance of powers, and collects clear practical notions on the nature of his duties, and the extent of his rights."—(Vol. I., pp. 84—86.)

We cannot follow M. de Tocqueville into the account which he proceeds to give of the larger divisions of the American republics—the counties, the states, and the union at large. But the extracts we have made with regard to the townships, will suffice to show, that the system of local independence operates as a powerful instrument of social education, and as a principle of cohesion in the community. By the operation of the democratic principle, on a small scale, and within the limits of a small community, much is certainly done to remedy the defects of democracy in the government. Thus, even in America, we find that where democracy acts most temperately and effectually, it is under the controul of a superior force, which limits its authority and checks its excesses. The township is the free subject of the state, and in that position its activity can only be directed to such ends as conduce to the good of the nation. The counties and the states are in social relation to the township, aristocratic bodies; the union exercises a *quasi* monarchical authority over the lesser divisions of

the country in national affairs. But the nation has no superior power to controul its action, and the errors of a national majority are irremediable.

The absolute equality which exists in society, and the actual sovereignty of the people of America, reposes on a maxim universally received in that country, *vis.*: "that every one is the best and sole judge of his own private interest. Every individual possesses an equal share of power, and participates alike in the government of the state. Every individual is therefore supposed to be as well-informed, as virtuous, and as strong, as any of his fellow citizens."—(Vol. I., p. 79.)

Self-interest, self-indulgence, and self-esteem, according to our author, are the rank weeds which shoot up under such a system. When flattered, these tendencies are apt to swell into an overweening vanity; when opposed, to sink into a petulant or tyrannical egotism; when exposed (as they must perpetually be) to collision, they breed the worst feelings of envy. Under their malignant influence, the softening ties of mutual reliance, the patience of humility, and the cheerful confidence of man in man, are supplanted by rivalry, by obstinacy, and by contempt. Society exists as an association for useful purposes, for the acquisition of wealth, for the enjoyment of luxuries, and for the gratification of individual importance; but that social principle which springs from charity, and acts from high and humane motives, is blasted by the frigid calculations of expediency. If these be the consequences of equality, we pause before we adopt the uncertain chances of political privileges, which are purchased at the cost of so much that is good and pure. To what end could this equality tend, were it possible to establish it permanently, but to curtail the influence of the wise and good, and to encourage the lawless pretensions of the ignorant and the bad? When the higher classes in a nation are responsible to public opinion for the performance of their duties, which are great and noble ones, they amply compensate by the moral pleasures which they diffuse, by their support, and by their encouragement, for the differences of station. But when we arrive at the condition of equality



which M. de Tocqueville has so powerfully described in his introduction, we shall find that

"Whilst the division of property has lessened the distance which separated the rich from the poor, it would seem that the nearer they draw to one another, the greater is their mutual hatred, and the more vehement the envy and the dread with which they resist each other's claims to power. The notion of right is alike insensible to both classes, and force affords to both the only argument for the present, and the only guarantee for the future."—(*Introduction*, p. xciii.)

Amongst the most powerful causes of the equality of conditions in France and in America, which our author here describes, we are inclined, with him, to place the law of succession as established in those countries. We think, however, that he ought to have pointed out the distinction which exists between the obligatory distribution of property amongst the children and relations of the owner, in France, and the free power of testamentary disposition which prevails in America. In the latter country, the law does not necessarily parcel and disperse all acquired wealth, on the death of the owner; and it remains to be seen, whether the privileges of elder sons will not be revived there, when it is discovered how much the influence of property is increased, when it is centred on a single head, instead of being divided between the members of a numerous family. The facilities of inland migration have partially contributed to re-establish the custom of primogeniture in some states. In Massachusetts, estates are very rarely divided; the eldest son takes the land, and the others go to seek their fortune in the desert; but as regards the Union, these are the exceptions, not the rule.—(Vol. II., p. 211.)

"Nam sæpe audiui Q. Maximum, P. Scipionem, præterea civitatis nostræ præclaros viros, solitos ita dicere, cum majorum imagines intuerentur, vehementissime sibi animum ad virtutem accendi. Scilicet non ceram illam, neque figuram tantam vim in sese habere, sed memoriâ rerum gestarum eam flammam egregiis viris in pectore crescere, neque prius sedari quàm virtus eorum famam atque gloriam adæquaverit"—were the words addressed by a Roman historian to his fellow citizens. For the citizen of the United States, the spirit which breathes in them does not exist. To him the intimate connection between family distinction and national renown is practically unknown—the feeling which seeks to preserve

the lineal descent of a name, given by a nation's gratitude, and identified with a nation's fame, is an amiable delusion. The wealthiest towns in the Union present the most singular vicissitudes of fortune. Riches are acquired and dispersed in the course of two generations, and all the families which composed the Federalist party have already disappeared. Their descendants have sunk to the broad level of democracy, and are unknown in the mass of their fellow citizens. These perpetual revolutions, which await the tenure of all property, announce revolutions as certain and as perpetual in the political institutions of the country, until, to use the powerful expression of our author, "the bulwarks of the influence of wealth, are ground down to the fine and shifting sand, which is the basis of democracy."

Small, however, as are the vestiges of aristocracy in the Union, they may be traced here and there in the secret discontent and exclusive tastes of a few citizens.

"Mark," says our author, "mark, for instance, that opulent citizen, who is as anxious as a Jew of the middle ages to conceal his wealth. His dress is plain—his demeanour unassuming; but the interior of his dwelling glitters with luxury, and none but a few chosen guests, whom he haughtily styles his equals, are allowed to penetrate into this sanctuary. No European noble is more exclusive in his pleasures, or more jealous of the smallest advantages which his privileged station confers upon him. But the very same individual crosses the city to reach a dark apartment-house in the centre of traffic, where every one may accost him who pleases. If he meets his cobbler upon the way, they stop and converse; the two citizens discuss the affairs of the State in which they have an equal interest, and they shake hands before they part.

"But beneath this artificial enthusiasm, and these obsequious attentions to the preponderating power, it is easy to perceive that the wealthy members of the community entertain a hearty distaste to the democratic institutions of their country. The populace is at once the object of their scorn and of their fears. If the maladministration of the democracy ever brings about a revolutionary crisis, and if monarchical institutions ever become practicable in the United States, the truth of what I advance will become obvious."—(Vol. II. p. 13.)

The immediate effect of the institutions of the United States is evidently, however, to push democracy to its utmost consequences.

"The majority in that country exercises a prodigious actual authority, and a moral influence, which is scarcely less preponderant; no obstacles exist which can impede, or so much as retard its progress, or which can induce it to heed the complaints of those whom it crushes upon its path. This state of things is fatal in itself, and dangerous for the future."—(Vol. II., p. 147.)

Already the principle of *delegation* has in a great measure

supplanted that of *representation*. Not satisfied with the established means of exercising its authority, the majority has in more than one instance formed popular conventions, intended to dictate to the constituted powers of the country. The instability of the laws, which was characterised by one of the brightest ornaments of the Federalist party as "the greatest blemish in the character and genius of the American governments," has reached to an extent which he would not have deemed compatible with the safety of the nation. The last surviving patriot of those who signed the declaration of Independence, *Charles Carroll*, said to a distinguished traveller a short time before his decease, that he had lived to see "the excesses and the errors of mob-government." The population of several of the great towns of the Union, has been guilty of crimes which sully the national character; and the dangers to the public peace, which M. de Tocqueville predicts in his work, are daily becoming more apparent. We cannot believe with him, however, that these disturbances are mainly attributable to the influx of a corrupt and turbulent population of European emigrants, since the motives assigned for the barbarous infliction of Lynch law, and the violence of the mob, originate in antipathies which are peculiar to the Americans. Even in the states where slavery has been abolished, and where the number of negroes is too small to afford any just cause of alarm, the hatred and contempt of the coloured race, prevails to an extent scarcely known in slave colonies.

In the midst, then, of these conspicuous defects in the present condition of the American republics, with the fever of political excitement loose amongst the people, it will be asked, on what grounds M. de Tocqueville avows his belief in the duration and prosperity of the United States?

The most obvious of these circumstances are the physical advantages of the country. There, the growth of human passions need not be dreaded, since all passions may find an easy and legitimate object; there, the liberties which men might abuse elsewhere, only tend to serve the great design of Providence,—namely, the rapid cultivation and civilisation of the American continent. Unsurrounded by hostile or formidable neighbours, the prospects of the Union are not

endangered by foreign aggression; and unencumbered by tradition, her internal evils are not so inveterate but that they may be checked and repaired.

A still more solid cause for the maintenance of democracy in America, may be found in what we have already termed the manners, or republican experience of the people. 'Caput 'Reipublicæ, nosse Rempublicam.' As republican institutions are founded on the rejection of all those privileges, and distinctions of power and property, which require the sanction of time to conceal their oppressive origin, so it is most difficult, to imagine the occurrence of an organic change, which would revive the claims of aristocracy. On the other hand, the education and experience of the Americans, warrants the hope, that they will never sink into a base equality of subjection to a single despot. It is therefore probable, that democratic institutions will continue to exist in the United States; and that their endless mutations will neither establish an aristocracy, nor suffer a monarchical form of government.

"In the United States, the fundamental principle of the republic is the same which governs the great part of human actions; republican notions insinuate themselves into all the ideas, opinions, and habits of the Americans, whilst they are formally recognised by the legislation; and before this legislation can be altered, the whole community must undergo very serious changes.

"It is evident, that nothing but a long series of events, all having the same tendency, can substitute for this combination of laws, opinions, and manners, a mass of opposite opinions, manners, and laws.

"If republican principles are to perish in America, they can only yield after a laborious social process, often interrupted, and as often resumed; they will have many apparent revivals, and will not become totally extinct, until an entirely new people shall have succeeded to that which now exists. Now, it must be admitted, that there is no symptom or presage of the approach of such a revolution. There is nothing more striking to a person newly arrived in the United States, than the kind of tumultuous agitation in which he finds political society. The laws are incessantly changing; and at first sight, it seems impossible that a people so variable in its desires, should avoid adopting, within a short space of time, a completely new form of government. Such apprehensions are, however, premature; the instability which affects political institutions is of two kinds, which ought not be confounded: the first, which modifies secondary laws, is not incompatible with a very settled state of society;—the other, shakes the very foundations of the constitution, and attacks the fundamental principles of legislation; this species of instability is always followed by troubles and revolutions, and the nation which suffers under it is in a state of violent transition."—(Vol. II., pp. 428—430.)

The last element of the stability of the democratic institutions of the United States, consists in the municipal institu-

tions to which we have already adverted—in the Federal form of government, which enables the union to combine the power of a great empire with the security of a small state; and in the constitution of the judicial power, which serves to unite the different states, and which calls into being a class of men, whose habits and acquirements fit them to guide the energies and repress the excesses of democracy.

The present Federal constitution of the union was adopted in 1789. The confederation which previously existed, was abandoned in 1787; and this interregnum of two years, was employed in the formation of that constitution, which still remains as a monument of the wisdom of the Federalist party. The principle on which the relations existing between the union and the states were determined, is one of the greatest simplicity.

“The obligations and claims of the federal government were simple and easily definable, because the union had been formed with the express purpose of meeting the general exigencies of the people; but the claims and obligations of the states were, on the other hand, complicated and various, because those governments penetrated into all the details of social life. The attributes of the federal government were therefore carefully enumerated, and all that was not included amongst them, was declared to constitute a part of the privileges of the several governments of the states. Thus the government of the states remained the rule, and that of the confederation became the exception.

“But as it was foreseen, that in practice, questions might arise as to the exact limits of this exceptional authority, and that it would be dangerous to submit these questions to the decision of the ordinary courts of justice, established in the states by the states themselves, a high federal court was created, which was destined, amongst other functions, to maintain the balance of power which had been established by the constitution between the two rival governments.”—(Vol. I., pp. 161—2.)

Thence the constitution of the supreme judicial power is in point of law, the most important tie of that confederation, which is held together in point of fact, by a community of interests. Many circumstances contribute to render the government of each individual state more energetic than that of the union. The authority of the former extends beyond its own exclusive concerns, to those affairs which affect its welfare in common with that of the nation; the influence of the latter is confined to the interests of the union at large. The hopes, the affections, the interests, and the pride of the citizens, are more immediately appealed to in the government of their own state, which is nearer and

dearer to them, than the remote, and as it were abstract nation to which they belong. In their local assemblies, there is more to gratify their propensities and their prejudices. We are not then surprised, to find that M. de Tocqueville regards the Federal government, as a form which requires the free consent of the governed to enable it to subsist, and that he confidently predicts its defeat, whenever it may engage in a struggle with the sovereignty of the states.

If this be once admitted, the question is no longer whether the states are capable of separating, but whether they will choose to remain united. The national unity of the American states relieves them from the dread of mutual invasion, and from the necessity of prohibitive boundaries. The vast tracts of country which the Union has already acquired, and over which it has still to extend, are united by the interchange of the productions of the soil. The commerce and manufactures of the eastern and northern states, are supplied by the abundant materials of the southern and western provinces: and every part of the federal budget does, in fact, contribute to the maintenance of material interests, which are common to all the confederate states. To these reasons our author adds others, derived from the similarity of the political and social principles which prevail in the Union. The sovereignty of the majority, which acts as a more effectual check upon political heterodoxy, than the authority of any inquisitorial tribunal which ever existed, procures an absolute and uncontested respect for the great maxims of equality and democracy, on which the government of the country is conducted. The same feeling of pride pervades the whole community, and the same prejudices prevail in all the states. These are the real causes of the present maintenance of the Union. Nevertheless, it is not to be supposed that all the incidents of national existence, the strivings for preponderance, and the inequalities of the different states in wealth, civilisation, knowledge, and population, will allow the union to remain unimpaired. These are difficulties and dangers which the interests of the nation may be unable to ward off, and which the political authority of Congress, and the judicial authority of the supreme court of the United

States will certainly be unable to obviate. The proceedings of the southern states on the Tariff question, and the principles avowed by the Nullifiers, afford sufficient proof of this assertion. In the year 1833, the following sentence was uttered before the Senate of the United States, by the Vice President Calhoun, the head of the Nullifying party in the south.

"The constitution is a compact to which the states were parties in their sovereign capacity; now, whenever a compact is entered into by parties which acknowledge no tribunal above their authority to decide in the last resort, each of them has a right to judge for itself in relation to the nature, extent, and obligations of the instrument.

"It is evident," adds our author, "that a similar doctrine destroys the very basis of the Federal constitution, and brings back all the evils of the old confederation, from which the Americans were supposed to have had a safe deliverance."

But notwithstanding the inherent weakness of judicial power, applied to political purposes, the judicial institutions of the United States amply deserve the minute attention which M. de Tocqueville has devoted to them. In a social point of view, the members of the legal profession exercise a strong anti-democratic, if not aristocratic influence: in a political point of view, the courts of the United States are invested with a degree of authority which they do not possess in any other country.

"The government of democracy is favourable to the political power of lawyers; for when the wealthy, the noble, and the prince are excluded from the government, they are sure to occupy the highest stations, in their own right, as it were, since they are the only men of information and sagacity beyond the sphere of the people who can be the object of the popular choice. If, then, they are led by their tastes to combine with the aristocracy and to support the crown, they are naturally brought into contact with the people by their interests. They like the government of democracy, without participating in its propensities, and without imitating its weaknesses, whence they derive a two-fold authority from it and over it. The people in democratic states does not mistrust the members of the legal profession, because it is well known that they are interested in serving the popular cause; and it listens to them without irritation, because it does not attribute to them any sinister designs. The object of lawyers is not, indeed, to overthrow the institutions of democracy, but they constantly endeavour to give it an impulse which diverts it from its real tendency, by means which are foreign to its nature. Lawyers belong to the people by birth and interest, to the aristocracy by habit and by taste, and they may be looked upon as the natural bond and connecting link of the two great classes of society.

"The profession of the law is the only aristocratic element which can be amalgamated without violence with the natural elements of democracy, and which can be advantageously and permanently combined with them. I am not unac-

quainted with the defects which are inherent in the character of that body of men; but without this admixture of lawyer-like sobriety with the democratic principle, I question whether democratic institutions could long be maintained; and I cannot believe that a republic could exist at the present time if the influence of lawyers in public business did not increase in proportion to the power of the people.”—(Vol. II., pp. 180—1.)

It may indeed be doubted, whether this supposititious aristocratic influence, which our author attributes to the lawyers of America, is not imbued with most of the prejudices of aristocracy, without its dignity, and its exclusiveness without its refinement. They may act as a check upon the mutability of the democratic element, but they are too needy to be safe guardians of property, and too much interested in the acquirement of immediate power, to oppose the evil tendencies on which that power is based.

The courts of justice are, however, the most powerful organs by which the lawyers are enabled to control the democracy. The American judge is armed with the extraordinary power, of declaring a law to be unconstitutional; and of annulling any enactment, on the ground of its being opposed to the spirit of the fundamental law of the union. This judicial censorship is, indeed, solely applicable to the particular cases which are brought before the courts of law; but if its action be private, it is not the less sure; and within these limits it invests the only authority, which is, comparatively speaking, independent of the people, with a salutary control over the tyranny of popular assemblies. It is true that, in some of the states, the judicial functionaries are not independent of popular election; and in most of them, innovations have been made, which threaten to paralyse the influence of the legal profession. There, as in every point of the American constitutions, the democratic principle is still at work, like a swollen torrent, or an angry sea, beating against the dams which restrain its encroachments, and levelling the barriers which oppose its progress.

With this picture before our eyes, what conclusions are we to draw from the unstable work of American democracy? Are we to admit, with M. de Tocqueville, that the spread of equality is a necessary event, willed by Providence, and sanctioned by time—believing, with him, that purely



democratic institutions may yet be invented, to serve as a broad and solid basis for the government of human societies ; and acknowledging that, " although the Americans have not " resolved the problem, they furnish useful data to those who " undertake the task ?" Or are we to regard the changes that the world is undergoing at the present day, as some great and mysterious transition, which will furnish the means of attaining some remote good, still undiscernible to ourselves and our generation ?

It is impossible, we conceive, to observe the intelligence and the energy, the industry and the accumulating wealth, of our own country, without rejecting the theory of a fixed and immutable constitution—without repudiating the doctrine of " final measures," as one which seeks to confine the powers bestowed by a wise and beneficent Providence, within the narrow limits established by the ignorance and selfishness of man. Therefore, we consider the information afforded by our author, as most important for our guidance, in the changes which are taking place in our own institutions.

Monsieur de Tocqueville attributes the present prosperity of the American States, chiefly to the local advantages they possess, and to the fact, that the habits and manners of the people, originally Republican, have, from the earliest settlement of the country, been sustained and confirmed by democratic institutions. Notwithstanding these adventitious elements of success, there are revelations in our author's pages, which must make us pause, before we admit either the permanent character of the American system, or concede that it is best calculated to secure civil and religious liberty.

With reference to ourselves, we are bound to remember, that we possess not the territorial advantages of the Americans—that our habits and manners, so far from having been moulded on a Republican model, have been formed under a Monarchical government. We fully participate in the indignation felt, at the obstacles interposed by the House of Lords, to the progress of constitutional reform ; but it is the part of an intelligent people, to distinguish between the value of an institution, and the delinquencies of some of the individuals who compose it. *They* may have grown up under an

exploded system. They may be influenced by selfishness, urged by disappointment, or prompted by fear, by ignorance, or by passion. In a few years, compared with the age of a nation, they will have passed away, and their places will be supplied by men, who, educated under a reformed political system, will neither scorn the obligations of society, nor reject the claims of public opinion.

Means may even be devised to remove or mitigate the evil, without this delay, but if the institution itself be destroyed, it may never be replaced; and upon its ruins must necessarily arise that purely democratic form of government, which—unsuited, as it may prove, to the present habits and manners of the people, and not adapted, perhaps, under any circumstances, to a redundant population within a confined space—may bring with it anarchy and terrorism, instead of that partial success, which the confirmed manners, and the local advantages of the Americans, have shown to be not inconsistent, for a time, with equality and democracy.

We are free to own, that, as constitutional reformers, we look to the fulfilment of our hopes as men, and our duties as citizens, by the means and not by the subversion of the institutions of our country. We would remove all such obstacles to the truth as we can remove; and then we are content to watch and wait; never forgetting that the triumph of truth is that of justice, and that justice in matters of opinion is tolerance.

“ Time’s golden thigh  
Upholds the flowery body of the earth  
In sacred harmony, and every birth  
Of men and actions makes legitimate  
When used aright :—the use of Time is Fate.”

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## ARTICLE XIV.

*Reports from the Select Committees appointed to inquire into the nature, character, extent, and tendency, of Orange Lodges, Associations, or Societies, in Ireland ; with the Minutes of Evidence, and Appendix. Ordered by the House of Commons to be Printed.*

*Report from the Select Committee appointed to inquire into the origin, nature, extent, and tendency, of Orange Institutions in Great Britain and the Colonies ; with the Minutes of Evidence, Appendix, and Index. Ordered by the House of Commons to be Printed.*

THE Orange Societies had, previously to the last session of parliament, been occasionally the subject of animadversion in the House of Commons. In 1813, Mr. Charles Wynn moved for an inquiry into their nature, and represented them as equally illegal and pernicious. Lord Castlereagh deprecated their existence, but, with his characteristic lubricity, slipped through the question. In the year 1827 a debate, regarding their legality, took place, upon a motion by Mr. Brownlow, with respect to a procession at Lisburne. It appeared in the course of the discussion that Mr. Joy, the present Chief Baron of the Court of Exchequer in Ireland, an avowed Conservative, had, as a law officer of the crown, given an opinion, expressly stating Orange Lodges to be illegal ; and that Lord Manners, the then Chancellor, had, in a letter to Mr. Jones, a magistrate, concurred in that view. Notwithstanding the admissions made by the government respecting the character of the Orange confederacy, it was not considered necessary to take any decided steps for its suppression ; nor indeed, for a considerable time, was any very strong interest excited in the public mind, in reference to the proceedings of the Irish Orangemen ; who, although connived at by Tory governments, had not been openly enlisted as their auxiliaries. Mention was often made in the English newspapers of outrages committed in the north of Ireland ; but as the Catholics and Orangemen differed as essentially in their facts as in their opinions, and, with a reciprocal strenuousness of asseveration, charged each other with

the commission of these atrocities, the British public took in their fierce criminations little concern.

The Orange Society had not as yet obtained any political importance;—it had not made any display of its resources, or distinct disclosure of its views. The Duke of Wellington and Sir Robert Peel, when the Catholic question was carried, relinquished all connexion with the Society, and became the objects of its denunciation. Under the Duke of Northumberland's and Sir Henry Hardinge's government, which immediately followed the concession of the Catholic claims, there was a mutual feeling of disrelish between the Orangemen and the local administration of Ireland. Lord O'Neill was dismissed from a lucrative employment, because he had exhibited an Orange flag from one of the towers of his castle, upon occasion of some factious anniversary. Disclaimed by the Tories, and continuing in that relation to the Whigs in which they had always stood, the Orangemen ceased to attract notice; and although they passed resolutions, condemning the extension of parliamentary reform to Ireland, were held in such little account, that, for a considerable period, scarcely any mention of their proceedings was made in parliament. But while they ceased to draw attention, they did not discontinue their efforts to strengthen and extend their organization; and succeeded so far that, after the Reform Bill was carried, the Tories, with whom they had previously had a rupture, thought it conducive to their interests, and consequently compatible with their honour, to resort to what will ultimately prove to be a most sinister assistance.

An opportunity presented itself for the enlistment of their aid. Lord Stanley, Sir James Graham, the Duke of Richmond, and Lord Goderich, having resigned, and Lord Grey having soon after retired from office, from causes disproportioned to so momentous an incident, the government became so apparently enfeebled, that the Tories thought the time had arrived for a manifestation of their strength. It was accordingly determined that the strongest possible expression, of what is called Protestant feeling, should be called forth, in order to produce that impression upon the royal mind of which it was known to be susceptible; and accordingly the Hillsborough meeting was convened. The Marquess of Downshire, the Lord Lieu-

tenant of the county of Down, was sufficiently injudicious to give it his sanction, although it purported to be an assembly composed exclusively of the Protestants of the county. Upon this occasion, a very considerable body of Orangemen, although the numbers were greatly exaggerated, was got together. Other meetings of a similar description were held; and that they were the result of a scheme to overthrow the government, the evidence published in the reports before us abundantly establish. We copy the following extract from the proceedings of the committee of the Grand Lodge of Ireland, in the Appendix to the first report, p. 77:—

“ 12th November, 1834.—We would beg to call the attention of the Grand Lodge, and, through them, return our heart-felt thanks and congratulations to our brethren, through the various parts of Ireland, who, in the late meetings of 3000 in Dublin, 5000 at Bandon, 30,000 in Cavan, and 75,000 at Hillsborough, by their strength and numbers, the rank, respectability, and orderly conduct of their attendance—the manly and eloquent expression of every christian and loyal sentiment, indicated so nobly the character of an institution against the aspersion thrown on it, as ‘the paltry remnant of an expiring faction\*’; and we ardently hope, that our brethren in the other parts of the kingdom, who have not as yet come forward, will do so, and not forget the hint given to us in our sovereign’s last most gracious declaration, ‘to speak out.’ ”

The ministers having been dismissed, it was determined that the blow, struck with success, should be followed up; and other public meetings were called, of which that at Dungannon, held on the 19th of December, 1834, was the most remarkable. To the scenes which took place at that meeting—the riotous and insulting conduct of the Orangemen—their display of military power—the discharge of a gun at Sir T. Steven—the inauguration of Lord Claude Hamilton as an Orangeman, and his *subsequent appointment as a magistrate*—we shall have occasion in the course of this article to refer. We advert, at present, to the Dungannon meeting, as one of the numerous proofs, that the members of the new government associated themselves with the Orange body, and employed it, previously to their accession to office, as an instrument to dismiss Lord Melbourne’s administration.

The Conservative cabinet, having been formed, proceeded to offer to the leaders of the Orange body, and to the men, who,

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\* A phrase used by Lord Stanley, before his abandonment of his colleagues. Since his secession, he has maintained a significant silence on the Orange Society.

though not ostensibly members of the Society, were in close sympathy with it, strong marks of favour. To Colonel Perceval a place in the ordnance was given; to Lord Roden an office in the palace, near the person of his sovereign, was tendered; Mr. Frederick Shaw, and Mr. Lefroy, were made privy councillors; and Mr. Charles Boyton, Grand Chaplain of the Grand Orange Lodge (whom we shall presently see establishing an Orange Lodge in a regiment), was appointed chaplain to the Lord Lieutenant. It is not surprising that there should have been an outbreak of ferocious exultation, amongst the Orangemen of Ireland, at the event; to which, it must be confessed, that they were accessory in no immaterial degree. Their joy, and their ferocity, knew no bounds; and on the first visit of Lord Haddington to the theatre, they gave ample vent to both. The shouts of men, inebriated with the excitement of success—plaudits, intended by their succession to imitate the discharge of musquetry, and called “the Conservative fire”—cries of “No Popery”—hurrahs for Orangeism—Lord Haddington could not restrain; but (and with this we charge him) over the box where he sat, with his vice-regal retinue, as the representative of his sovereign, there was unfurled an Orange flag; which hung over him, as a symbol of the triumph which had been obtained over the people by a faction, to whose arbitrary domination Ireland was to be thenceforth surrendered. How, it may be said, could he help this? For the indiscretions of his supporters, should he be made answerable? We answer, Yes.—He ought, when this insult was offered to the country, which he had recently arrived to govern, to have ordered the ensign of party to be hauled down, and to have left the theatre, rather than submit to a participation in this national affront. But looking at the conduct of the late government in the most favourable view—making for the difficulties in which they were placed, not only every fair, but every plausible allowance—and consenting to waive any objection to the conduct of Lord Haddington at the theatre—we do not see what answer it is possible to give to another accusation, having the same object, although resting on different grounds. It is this:—To addresses from Orange Lodges, to the King, on the change of government, the Secretary for the Home Department, in reply, recog-

nised those societies, and indirectly conveyed to them the assurance of the royal approbation. What was the character of those addresses?

We give, from the *Dublin Evening Mail*, the organ of the Orange body, an account of the proceedings which took place, at their meetings, after the change of government; that the reader may be enabled to form some opinion of the spirit, which not only dictated the addresses of congratulation to the Crown, but prompted the official answers to those factious adjurations. Let it not be imagined, that we are all this while deviating from the subject, suggested by the Parliamentary reports, which we have prefixed to this article;—we are producing proof of the alliance between the Tories and the Orange confederacy;—and when, afterwards, we shall have exhibited that confederacy in its proper colours, a better judgment will be formed of the motives, and of the principles, of men who resorted to such means, to obtain possession of that power, of which, fortunately for the peace of Ireland, they have since undergone the deprivation. We proceed with our extracts.

"*Dublin Evening Mail*, December 3, 1834.—On Friday last, the second meeting of the Royal Luther Lodge, No. 1483, was held: the first meeting, for the purpose of formation, election of officers, &c., having taken place on the 10th of November, the anniversary of the birth of their illustrious patron, Martin Luther, A. D. 1483. Hence the name and number of the lodge. On the present occasion, the assemblage of visitors from grand, county, and private lodges, was very great; and the effect produced on the members of this rising lodge, was cheering in the extreme; there being, besides the Earl of Roden and Lord Cole, Deputy Grand Masters of Ireland, the senior Grand Chaplain of the institution, the Grand Chaplains of the county and city of Dublin, the Grand Masters of the county and city of Waterford, the Deputy Grand Secretary and Treasurer of Ireland, &c., and many members of private lodges. Among the latter, the kind attentions of Trinity College Grand District were most apparent, whose fostering care of infant institutions well qualify her for the name she bears. The Constitutional Calvin Lodge, 1509, also sent representatives, to give their colleagues, the Lutherans, an impetus in the noble cause. Six gentlemen having been introduced, were duly initiated into the solemn mysteries of the Orange order. An address was then read, and passed unanimously, to the King."

The *Evening Mail*, of December 8, 1834, contains the following account of a meeting of the Orangemen of the county and city of Dublin:—

"ORANGE INSTITUTION.—Grand aggregate meeting of the Orangemen of the county and city of Dublin, to address the King, at the Merchants' Hall.

Wellington Quay, Dublin, Friday, Dec. 5, 1834. At half-past seven, the Right Honourable the Lord Mayor entered the room. His Lordship was greeted with three distinct rounds of applause."

At this meeting, a series of resolutions were passed. The third declares that they will shed the last drop of their blood, in defence of their Protestant institutions; and the fourth is to this effect:—

"*Resolved*—That an address be prepared, embodying the sentiments expressed in the foregoing resolutions, to be presented to His Most Gracious Majesty, as the address of his faithful and attached subjects, the Orangemen of the county and city of Dublin."

We refrain from quoting extracts from the speeches delivered at this assembly. They were of the customary sort; but such was the excitement of the Orangemen, that the ordinary medium through which they give loose to their passions, would not content them, and a sort of laureate of Orangeism, the Reverend Mr. M'Crea, recited a poem, composed for the occasion, consisting of several stanzas, of which the burthen ran thus:—

"Then put your trust in God, my boys, and keep your powder dry\*."

*The Evening Mail* says—

"We thought the roof would have been riven with the shouts, which followed the close of the determined sentiment of each verse."

Such was the character of the meetings which took place after the dismissal of Lord Melbourne, when addresses were voted to the king; and of the answers to those addresses, take the following specimen:—It is Mr. Goulburn's answer to the address of the Trinity College District of Orangemen.

"I have had the honour to lay before the King, the loyal and dutiful address, signed by you and several other gentlemen of Dublin, expressive of their thanks for His Majesty's late most salutary exercise of the royal prerogative, which address accompanied your letter of the 10th instant. I have the satisfaction to inform you that His Majesty has been pleased to receive the same in the most gracious manner.

"I have the honour to be, &c.

"HENRY GOULBURN."

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\* In page 71 of the Appendix to the Report on the Orange Society in Great Britain, will be found a resolution passed in favour of Mr. M'Crea (a clergyman!) by the Grand Committee of the Grand Lodge of Ireland; and a letter from Mr. H. R. Baker, to Colonel Fairman, requesting the co-operation of the English Orangemen, towards a subscription, for a testimonial to Mr. M'Crea.



We refer to the other answers of the Right Honourable gentleman, of which a return was obtained, by an order of the House of Commons.

In these answers, there was an unequivocal adoption of the Orange Society by the Tories; and it is remarkable that it was through Mr. Goulburn—who had referred to the opinions of the law officers in 1827, respecting the illegal nature of that society—that the government conveyed their decided approbation (what else can it be called?) of the factious confederacy, of which we proceed to lay before the reader, not a vague description, borrowed from prejudiced and questionable authority, but a distinct account—taken from the evidence of Orangemen—from the lips of their functionaries—from the publication of their proceedings given by themselves, and from the records which were produced by their officers before the Committees appointed to inquire into the nature, character, and tendency of their institution.

The answers to the Orange addresses having been laid on the table of the House of Commons, and all that had been alleged respecting those documents having been established, a very strong feeling was produced in the public mind, which extended itself to Parliament; and it was perceived by the ministry, that a motion for inquiry could not be resisted. Mr. Finn, the member for Kilkenny, deserves the highest praise, not only for having originated that motion, but for the skill with which he conducted it. The representatives of the Orange Society in the House of Commons affected to court investigation; and accordingly, on Mr. Finn's motion, a select committee was appointed to inquire into the nature, character, and tendency of Orange Lodges in Ireland. Mr. Hume afterwards moved for a similar committee, with respect to England and the colonies.

It has been alleged by the Orange Society, that these committees were not fairly constituted, and that the examination of the witnesses was partial and unfair. Accustomed, in all cases where Orangemen are tried in the north of Ireland, to exclusive juries—with judges, generally speaking, of congenial opinions—it is not wonderful that the Irish Orangemen should have objected to any tribunal, in which they could not exercise their habitual predominance. They probably con-

ceived that no fair committee could be constituted, which was not composed almost entirely of Orangemen. But in the opinion of any impartial person, the committees must not only be regarded as nominated without bias against the Orange body, but as composed, in a great measure, of individuals favourable to their institution. Some even of the functionaries of the Society were placed on the committees. The following Tory members were originally nominated:—Serjeant Jackson, Mr. Wilson Patten, Mr. Bethel, Colonel Wood, Mr. Shaw, Mr. Maxwell, Mr. Nicholl, Mr. Alexander Pringle (Sir James Graham?), Sir John Yarde Buller, Colonel Conolly, Colonel Perceval. Subsequently, Colonel Perceval and Mr. Shaw having been discharged, Sir Edward Hayes, the Grand Master of the county of Donegal, Mr. Grove Price, and Mr. Finch, were added. If it be insisted that the Whigs had the majority, this decisive answer at once presents itself. Mr. Edward Stanley was originally the chairman of the Irish committee, but having been named secretary to the Treasury, he was obliged to relinquish any further attendance; and in his room, Mr. Wilson Patten, an avowed Conservative, although not a partisan quite as furious as Orangemen would consider qualified to become a judge, was elected by a majority on a division, after notice given, in the committee. On the English committee were placed the following Tories:—the Marquess of Chandos, Sir George Clerk, Mr. Finch, Mr. Bethel, Mr. Grove Price, Mr. Pringle, and Lord Edward Somerset; and that these gentlemen were not at all ill disposed to give to Orangeism all the legitimate sustainment of which it is susceptible, few will be inclined to dispute. It is true, that from the English committee the Tories thought proper to absent themselves. The cause was probably considered hopeless; and at all events, it cannot be denied, that on the Irish committee, the Orange and conservative members were unremitting in their attendance. The Orangemen of Ireland have alleged that an unfair course was adopted, in the examination of witnesses, and in the selection of evidence. This objection is not even plausible.

The fact is, that so far from any course having been taken, calculated to do a prejudice to the Orange Society, the most favourable line of examination was pursued; and if they have been convicted, the conviction is founded on evidence of

their own witnesses, on the testimony of their own public officers, and on the records of their society, produced by themselves. We lay before the reader the names of the witnesses, in the orange interest, examined by the two committees. The first witness examined was Lieutenant-Colonel Verner, the Deputy Grand Master of Ireland. The next was the Rev. Mortimer O'Sullivan, one of the chaplains of the institution—whose first examination, commencing on the 13th of April, lasted during five days, and who was a second time examined on the 15th of June. The third witness was Mr. William Swan, the Deputy Grand Secretary; the fourth, Mr. Stewart Blacker, the Assistant Grand Secretary, of the Grand Orange Lodge of Ireland, who was examined during five days; the fifth witness was Mr. Ward, the Solicitor to the Grand Lodge of Ireland; the sixth witness was Mr. Baker, the Deputy Grand Treasurer. These gentlemen were all examined, in succession, before a single witness was produced against the Orange Society; and every thing that could be fairly suggested in favour of the body in which they held offices, designated by such sounding titles, was, of course, offered by men whose interests are so deeply involved in the character of the institution. It was not until these gentlemen had expatiated, at a length almost unprecedented, on the merits of the society, that any witness was produced to refute their panegyric: and in order that it should not be urged that any opportunity of vindication was withheld, at the close of the proceedings of the committee on the Lodges of Ireland, Lieutenant Colonel Blacker, a Deputy Grand Master, was examined for two days; and on the last day, on which any examination was gone into (the 5th of August), Colonel Verner was examined a second time; and the Grand Secretary, Mr. Maxwell, gave his closing evidence to the committee of which he himself formed a part. So much for the Irish Orange Lodge Committee, as far as oral evidence is concerned. In the English Orange Lodge Committee, the following witnesses were examined:—Mr. Chetwoode—Eustace Chetwoode—once the Grand Secretary; Colonel Fairman; Mr. Colwil, a gentleman in his employment, and an Orangeman; Mr. Fox Cooper, an Orangeman; Mr. Lionel Thompson, an Orangeman; Mr. Staveley, an Orangeman; Sergeant Keith, an Orangeman; the Rev. James Harris,

one of the Chaplains; Mr. Edward Nucella, the commissioner appointed by the Duke of Cumberland to establish Lodges in Malta, the Ionian Islands, &c.; Mr. William Motherwell, the editor of the *Glasgow Courier*, an Orangeman; and Lord Kenyon, the Deputy Grand Master of England and Wales, at whose house the meetings of the English Grand Lodge are usually held.

Thus, in both committees, the course most beneficial to the Orange Society, was followed in the examination of witnesses; and with respect to the documentary proofs, almost the entire were taken from the books in which the proceedings of the Grand Lodges in both countries were entered, and which the Irish Orangemen made it matter of boast that they produced. It must indeed be acknowledged that nothing was kept back, and, at first view, an impression favourable to the Irish Orangemen might, by the frankness of their admissions, be produced;—but when we come to examine the evidence thus tendered, and find it establishing clearly, and at once, all the essential facts against them, we are almost disposed to consider them as demented by some providential influence, in order that, for the benefit of their country, they may be irrevocably doomed.

Having stated the mode of proceeding adopted in this important investigation, we shall lay before the public the leading facts established by the reports, and at the hazard of occasional prolixity, we shall substantiate every position by references, which will hardly be disputed by those most disposed to cavil, and with even the most sceptical, will not afford matter for doubt.

The Orange Society, it appears, was first formed in Armagh in the year 1795. The Orange witnesses concur in stating, that the first lodge was formed after a collision between two parties, called Peep-o'-day boys and defenders, which took place on the 21st of September, 1795, and which was called the Battle of the Diamond, from the village in which it happened.

“Color’d Verner, No. 82. Was not the Orange Institution first formed in the village of Diamond?—It was. The first lodge was formed after an affray between the Protestants and Roman Catholics; there had been a previous skirmish, and an engagement entered into upon the part of the Roman Catholics by their priest, and upon the part of the Protestants by Atkinson, a gentleman of property. This the Roman Catholics violated, and commenced, what was called the Battle of the Diamond. The Protestants were successful, and the breach of faith caused them to form themselves into a society.”

The Orangemen, in adverting to the circumstances which led to the formation of their society, represent it to have originated in the necessity of self-defence; but a document has been preserved, which, far better than any oral evidence after such a lapse of time, exhibits the character of this society at its birth. Let those who have been so often told that the Orangemen have always acted on the defensive, and that they are the objects of outrage and persecution, look to the following evidence, given by the Earl of Gosford, respecting the first establishment of this disastrous association:—

“ 3248. How long had you been governor of the county of Armagh and *custos rotulorum*?—A considerable number of years.

“ 3249. More than twenty years?—Yes, as long as that certainly.

“ 3250. Your Lordship will find in the evidence of Colonel Verner, now shown to you, and the evidence of the Rev. Mortimer O’Sullivan, that the first Orange Lodge was formed on the 21st of September, 1795, on the evening of the day of the battle of the Diamond?—It was about that time, as well as I recollect, but I cannot say precisely.

“ 3251. The question to Colonel Verner is, ‘ Was there not an assault on the Protestants previous to the establishment of the Orange Institution, which led to the conflict at Diamond Hill?’ the answer is ‘ There was.’ ‘ When was that?—The 21st of September, 1795.’ Will your Lordship have the goodness to read the address of the late Earl of Gosford, then governor of the county of Armagh, and the resolutions of the magistrates, and the names of the magistrates present on that occasion?—On the 28th day of December, 1795, certain magistrates and gentlemen were convened in Armagh.

“ At a numerous meeting of the magistrates in the county of Armagh, convened at the special instance of Lord Viscount Gosford, governor, his Lordship having taken the chair, opened the business by the following Address:— ‘ Gentlemen,—Having requested your attendance here this day, it becomes my duty to state the grounds upon which I thought it advisable to propose this meeting, and at the same time to submit to your consideration a plan which occurs to me as the most likely to check the enormities that have already disgraced this county, and may soon reduce it into the greatest distress. It is no secret that a persecution, accompanied with all the circumstances of ferocious cruelty which have in all ages distinguished that dreadful calamity, is now raging in this county. Neither age, nor even acknowledged innocence as to the late disturbances, is sufficient to excite mercy, much less afford protection. The only crime which the wretched objects of this merciless persecution are charged with, is a crime of easy proof; it is simply a profession of the Roman Catholic faith. A lawless banditti have constituted themselves judges of this species of delinquency, and the sentence they pronounce is equally concise and terrible; it is nothing less than a confiscation of all property, and immediate banishment. It would be extremely painful, and surely unnecessary, to detail the horrors that attended the execution of so wide and tremendous a proscription; that certainly exceeds, in the comparative number of those it consigns to ruin and misery, every example that ancient or modern history can afford. For where have we heard, or in what history of human cruelties have we read, of more than

half the inhabitants of a populous country deprived at one blow of the means as well as of the fruits of their industry, and driven in the midst of an inclement winter to seek a shelter for themselves and their helpless families where chance may guide them. This is no exaggerated picture of the horrid scenes now acting in this county; yet surely it is sufficient to awaken sentiments of indignation and compassion in the coldest heart. Those horrors are now acting, and acting with impunity. The spirit of impartial justice (without which law is nothing better than tyranny) has for a time disappeared in this county, and the supineness of the magistracy of this county is a topic of conversation in every corner of this kingdom.' "

Such was the opening of Lord Gosford's speech, which he concluded by moving a series of resolutions, of which the three first are as follows:—

" 1.—That it appears to this meeting, that the county of Armagh is at this time in a state of uncommon disorder: that the Roman Catholic inhabitants are grievously oppressed by lawless persons unknown, who attack and plunder their houses by night, unless they immediately abandon their houses and habitations.

" 2.—That a committee of magistrates be appointed to sit on Tuesdays and Saturdays, in the chapter room of the cathedral of Armagh, to receive information respecting all persons, of whatever description, who disturb the peace of this county. 3.—That the instructions of the whole body of the magistracy to the committee shall be, to use every legal means within their power to stop the progress of the persecution, now carrying on by an ungovernable mob, against the Catholics of this county."

To these resolutions the name of Colonel Verner's own father was attached.

Whether the society, framed under such circumstances of atrocity, has preserved the features of its parentage, and in its maturity has maintained the character that distinguished its birth and growth—whether, cradled as it was in atrocity, and nursed with blood, it has been sustained by the same aliment, or has undergone a change of habits and tendencies, and lost its first and original instincts—let those who peruse the frightful recitals contained in these reports, determine. That there are many Orangemen who, individually, are most estimable men—men of humanity, of kindly and religious sentiment, and of high principle and immaculate personal honour—we are the last to controvert:—but looking at the operation of the system, and the general working of the society up to this day, while we thus acknowledge the merits of individuals, we cannot contemplate, with any other than a sentiment of indignation, the excesses which have almost invariably marked its course.

The society having been formed, and persons of a far higher rank than its original founders, having been gradually enrolled,

a code for its government was formed, certain rules and ordinances were introduced, and a complete and uniform system was established. The first care of those who devised the means of rendering it attractive and efficacious for the purposes to which it was intended to be applied, was, to throw a veil of religion over all its proceedings. Accordingly, an oath was framed, containing pledges of morality and of apparent loyalty; but into that oath words of no insignificant political import were skilfully introduced. In page 7 of the Appendix to the report of the Irish Orange Lodge Committee, the oath of an Orangeman, taken from the rules published on the 10th of January 1800, is given:—

“ I, A. B., do solemnly and sincerely swear, of my own free will and accord, that I will, to the utmost of my power, support and preserve the present King, George III., *so long as he maintains the Protestant ascendancy, &c.*”

To the judgment of the individual taking the oath it is left to decide what Protestant ascendancy is, and how far any particular measure may amount to its abandonment; and thus an allegiance, expressly conditional, was made the foundation of an Orangeman's loyalty, which reserved to itself the right of revolt, upon a contingency of which the prejudices and passions of a body of inflamed confederates, were to be the only arbiters. With the formula of initiation, a great deal of solemn mummery was blended; but the character of intolerance was maintained, and to this day the ceremony continues nearly the same as it was originally got up. We extract the following ritual of the introduction to what is called the purple order:—

#### RITUAL OF THE INTRODUCTION TO THE PURPLE ORDER.

When a Brother is to be introduced, the Tyler shall first enter the room, after him two sponsors of the Brother, each bearing a Purple rod, decorated at its top with Orange ribands, and between them the Brother himself, carrying in both hands the Bible, with the book of the Orange Rules and Regulations placed thereon. On entering the room, the Chaplain, or, in his absence, a Brother appointed by the Master, shall say,—

“ We have a strong city; salvation will God appoint for walls and bulwarks. Open ye the gates, that the righteous nation which keepeth the truth may enter in. Thou wilt keep him in perfect peace whose mind is staid on Thee; because he trusted in Thee. Trust ye in the Lord for ever, for in the Lord Jehovah there is everlasting strength.” Isaiah xxvi. 1, 2, 3, 4.

“ And thou, O Tower of the flock, the strong hold of the Daughter of Zion, unto thee shall it come, even the first dominion.” Micah iv. 8.

“ The remnant of Israel shall not do iniquity, nor speak lies; neither shall a

deceitful tongue be found in their mouth. For they shall feed and lie down, and none shall make them afraid." Zephaniah iii. 13.

"And the remnant of Jacob shall be in the midst of many people: as a dew from the Lord, as the showers upon the grass, that tarrieth not for man, nor waiteth for the sons of men." Micah v. 7.

"And at that time shall Michael stand up, the great prince which standeth for the children of thy people; and at that time thy people shall be delivered, every one that shall be found written in THE BOOK. But shut up the words and seal the book, even to the time of the end: many shall run to and fro, and knowledge shall be increased." Daniel xii. 1, 4.

[During the reading of these verses the Brother shall stand at the foot of the table, the brethren all standing also, and strictly silent.

*The Master shall then say,—*

Brother, what dost thou desire in this meeting of true Purplemen?

*The Brother shall answer.—*Of my own free will and accord I desire advancement into the Purple Order of our loyal institution.

*Master.—*Who will vouch for this brother that he deserves such advancement, and that he is qualified to receive it according to our rules and regulations?

[The Sponsors shall bow to the Master, and signify the same, each saying, I, N. M., vouch for all these things.]

*Master.—*What do you carry in your hands?

*Brother.—*The word of God.

*Master.—*Under the assurance of these faithful Purplemen, we believe that you have also carried it into your heart. What is that other book?

*Brother.—*The book of our rules and regulations.

*Master.—*Under the like assurance, we trust that you have hitherto obeyed them in all lawful matters. Therefore we gladly advance you into this order. Purplemen, bring to me our Brother.

[He then shall be brought by his two Sponsors before the Master, the Tyler retiring to the door, and the two Brothers standing one at each side of the centre of the table; during this the Chaplain or Brother appointed shall say:—]

"In that day shall THE BRANCH of the Lord be beautiful and glorious: and the fruit of the earth shall be excellent for them that are escaped out of Israel. And the Lord will create upon every dwelling place of Mount Zion, and upon her assemblies, a cloud and a smoke by day, and the shining of a flaming fire by night; for upon all THE GLORY shall be a defence." Isaiah iv. 2, 5.

[The Brother shall then kneel on his right knee, and the Master shall invest him with a purple sash, and such other decorations as may be convenient; then the Chaplain, or Brother appointed, shall say:—]

"Behold the stone which I laid before Joshua. Upon one stone shall be seven eyes; behold I will engrave the graving thereof, saith the Lord of Hosts, and I will remove the iniquity of that land in one day." Zech. iii. 9.

"For they shall rejoice, and shall see the plummet in the hands of Zerubbabel with those seven. They are the eyes of the Lord which run to and fro through the whole earth." Ibid. iv. 10.

"In that day shall there be upon the bells of the horses HOLINESS UNTO THE LORD; and the pots in the Lord's house shall be like the bowls before the altar." Ibid. xiv. 20.



"These things saith he that holdeth the seven stars in his right hand, who walketh in the midst of the seven golden candlesticks." Revelations ii. 1.

Then the Master shall say,—

Brother, thou hast been weighed in the balance and not found wanting. Therefore it has been judged right that thou shouldst be advanced into the Purple Order of our institution: in the which dignity we trust that thy better means of serving this religious and loyal brotherhood will be duly employed. And as thine opportunities will now be advanced with thy station among us, so likewise would their neglect cause our more special injury. For this cause, brother, increase in thy diligence; be instant in season and out of season; for the higher we stand the more we should take heed lest we fall. In the name of the Purple Brethren, I bid thee heartily welcome: nothing doubting, but that thou wilt continue with great earnestness to fear God—honour the King—and maintain the law.

[Then the Master shall communicate, or cause to be communicated, unto the new Purpleman the signs and passwords of the order.] And the Chaplain, or Brother appointed, shall say—

"Seek Him that maketh the seven stars and Orion, and turneth the shadow of death into the morning, and maketh the day dark with night, that calleth for the waters of the sea, and poureth them out upon the face of the earth. THE LORD is his name." Amos v. 8.

"He that hath an ear let him hear what the Spirit saith unto the churches." Revelations ii. 29.

[After which the Brethren shall make obeisance to the Master, and take their seats, the certificate of the new Purpleman being first duly signed and registered.]

The other ritual is nearly of the same import. To many readers it may appear to be mere absurdity; and if it were not intended to produce an impression on minds susceptible of such effects, that it would be idle extravagance we do not deny. Look at a Protestant of the lower class in Ireland after he has gone through this fantastical ordeal, and who can doubt that for the business for which the society was constituted, he will prove unfortunately apt, and ready for any excesses, to which, in the frenzy of political excitement, he may be hurried\*.

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\* In Scott's *Anne of Gierstein*, Vol. II., p. 238, a very striking account is given of the secret tribunal. We copy the following passage;—"The nature of the verses led Philipson to comprehend that he was in the presence of the initiated or the wise men, names which were applied to the celebrated judges of the secret tribunal, which continued at that period to subsist in Swabia, Franconia, and other districts of the east of Germany, which was called, perhaps, from the frightful and frequent occurrence of executions, by command of those invisible judges, the Red-Land. Philipson had often heard that the seat of a free court, or chief of the secret tribunal, was secretly instituted even on the left bank of the Rhine, and that it maintained itself in Alsace, with the usual tenacity of those secret societies, though Duke Charles of Burgundy had expressed a desire to

Initiated with such solemnities, the Orangeman opens the book of laws and ordinances to which he has pledged himself to conform, and finds himself enrolled in a vast confederacy, whose leading principle is the exclusion of every Roman Catholic; for in the onset he meets these words:—"This is exclusively a Protestant association;" and so far is this principle carried, that the second rule of the society, published

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discover and to discourage its influence, so far as was possible, without exposing himself to danger from the thousands of pogniards which that mysterious tribunal could put in activity against his own life; an awful means of defence, which for a long time rendered it extremely hazardous for the sovereigns of Germany, and even the emperors themselves, to put down by authority those singular associations." We pass by the detail of other ceremonies which accompanied an initiation; we cannot, however, resist the temptation of copying the following description of a rite, in which religious emblems are associated with the most sanguinary and revolting purposes.—"The meeting being assembled, a coil of ropes, and a naked sword, the well known signals and emblems of vehemence authority, were deposited on the altar; where the sword, from its being usually straight, with a cross handle, was considered as representing the blessed emblem of Christian redemption, and the cord, as indicating the right of criminal jurisdiction and capital punishment. Then the president of the meeting, who occupied the centre seat on the foremost bench, arose, and laying his hand on the symbols, pronounced aloud the formula, expressive of the duty of the tribunal, which all the inferior judges and assistants repeated after him, in deep and hollow murmurs:—I swear by the Holy Trinity, to aid and co-operate, without relaxation, in the things belonging to the holy vehme, to defend its doctrines and institutions against father and mother, brother and sister, wife and children, against fire, water, earth, and air; against all that the sun enlightens; against all that the dew moistens; against all created things of heaven and earth, or the waters under the earth; and I swear to give information to this holy judicature of all that I know to be true, or hear repeated by credible testimony, which, by the rules of the holy vehme, is deserving of animadversion or punishment; and that I will not cloak, cover, or conceal, such my knowledge, neither for love, friendship, nor family affection, nor for gold, silver, nor precious stones; neither will I associate with such as are under sentence of this sacred tribunal, by hinting to a culprit his danger, or advising him to his escape, or aiding or supplying him with counsel, or means to that effect; neither will I relieve such culprit with fire, clothes, food, or shelter, though my father should require from me a cup of water in the heat of summer noon, or my brother should request to sit by my fire in the bitterest cold night of winter; and further, I vow and promise to honour this holy association, and do its behests, speedily, faithfully, and firmly, in preference to those of any other tribunal whatsoever; so help me God, and his holy Evangelists." Whoever takes the pains to read "the secret articles" of the Orange Society, published in the Appendix to reports of the Irish parliamentary committee, will find less poetry, but nearly as much turbulence as in this formula of "Red-Land" conjuration.

in 1834 (page 30, Appendix to Irish Report), is in these words:—"No person who at any time has been a Roman Catholic can be admitted into the institution, except by special application to the Grand Lodge, or Grand Committee, accompanied by certificates and testimonies, transmitted through the Grand Secretary of his county, which shall be so perfectly satisfactory as to produce an unanimous vote on the occasion." Of the enforcement of this rule, we find an example in the Appendix (Irish), page 78, "that lodge 1509 be permitted to initiate friend, the Reverend Samuel O'Sullivan into the institution." The resolution bears date the 11th March, 1835. Mr. Samuel O'Sullivan is the Reverend Mr. Mortimer O'Sullivan's brother.

A society, consisting of upwards of one hundred thousand men, from which not only Roman Catholics are excluded by a fundamental ordinance, but to which not even converts, from disinterested conviction (like the gentlemen referred to), can be received without a special exception in their favour, presents to the contemplation of any man, wishing well to the peace of the country, a melancholy spectacle. Admissible to the parliament, to the councils of their Sovereign, to the bench of justice—admissible to, and actually holding, the highest offices in the law—admissible to the grand juries of their counties—from the Orange confederacy the Roman Catholics of Ireland are, by an unavoidable rule, excluded; and in this exclusion consists the life and soul, the entire essence of the confederacy. For this it was instituted, for this it has been maintained, and with this, by the conservative government, were its leading members cherished and honoured, its addresses to the crown "*most graciously received*," and its banners unfurled over the head of the Lord Lieutenant, amid all the pomp which he could display in the most conspicuous place in the metropolis of Ireland! Ought such a society in the midst of Catholic and (mark it!) equalized millions, to be fostered?—or rather ought it to be for an instant endured? Men denounce associations formed for the purpose of obtaining the redress of substantial grievances—coercive bills are passed in order to disperse popular combinations; while in the Orange Society, once avowedly, still virtually sworn—composed of men furnished with the means of mutual recognition, with arms in

their hands, completely organised, governed by a Grand Master with almost absolute authority, and (as we shall prove) a representative assembly consisting of delegates from every part of Ireland—nothing reprehensible is seen.

The Grand Lodge of Ireland (a similar lodge exists in England), is to all intents and purposes a representative body ; and a more formidable convention, could scarcely have been constituted by men, who designed to overthrow the state, or to keep the government under its control. The plan adopted by the United Irishmen, who had a grand central committee in Dublin, seems to have supplied Orangemen with their model. The United Irishmen established subordinate committees in every county in Ireland, which selected a certain number of their members to compose the county committee, and by each county committee, delegates were named, of whom the central national committee was to be composed. That an analogous system has been employed by the Orange Society, the reports before us, and indeed the rules of the society, put beyond all doubt. We select the following passages from the evidence of Mr. Blacker, the Assistant Grand Secretary to the Grand Lodge of Ireland ; and it should be borne in mind that this gentleman is a barrister, well acquainted with the Convention Act, and with the meaning of the word "delegate." We first cite Mr. Blacker, and afterwards quote from the rules of the society.

" 1878. Does each lodge send a representative to the grand lodge of the county?—The master and deputy master of each lodge has the privilege of attending the meetings of the district to which their lodge is attached, except in the province of Ulster, where, from the great number of lodges, the deputy master is only privileged to attend in the absence of the master ; the district officers have the privilege of attending the county grand lodge, and the grand officers chosen by them have seats in the grand lodge of Ireland.

" 1879. So that there is a delegation from each lodge to the general assembly for the county?—It depends upon what a person considers a delegate ; they are not in my opinion delegates, inasmuch as they can be rejected by the body to whom they are sent.

" 1880. They are deputed for the purpose of meeting in the name of the different lodges?—Yes ; subject to the approval of the body of which they are sent to constitute a part.

" 1881. The county grand lodge is composed of deputies from the several lodges, is it not?—From the districts into which that county is sub-divided.

" 1882. So that the grand lodge of Ireland, upon the one hand, consists of deputies from all Ireland, and the grand lodge of each county consists of depu-

ties from each district of the county?—Yes; partly of these grand officers and partly of committee men.

“ 1883. And the districts again from the lodges?—Yes; but, as I before remarked, subject to the approval of the bodies to whom they are deputed, who may reject them if they please.

“ 1884. There are persons, you state, delegated by the district lodges to the county grand lodges, are there not also persons deputed from the county grand lodge to attend the grand lodge of Ireland?—There are persons chosen by the private lodges to represent their interests in the districts, from the districts to the counties, and from the counties to the grand lodge of Ireland.

“ 1885. Are there not persons also appointed to represent the district lodges in the committee of the Grand Orange Lodge?—Besides these grand officers of counties, there are a number of persons chosen by those county grand officers in grand lodge assembled, who are called committee men of the Grand Lodge of Ireland, who do not represent any body of persons; there are about 300 of those committee men, principally noblemen and gentlemen of rank and property.

“ 1886. It is their duty to attend the committee of the grand lodge in Dublin?—It is their privilege.

“ 1887. They attend in the committee as the officers of the district lodges?—No; the committee men, as I before stated, are a number of persons chosen by the county grand officers at the meeting of the grand lodge of Ireland; of these committee men, there are about three hundred at present who do not represent any body of Orangemen whatever.

“ 1888. Three hundred are chosen?—I do not state that as their exact number, it being unlimited.

“ 1889. They are chosen by the grand officers of the county lodges; for what work are they chosen?—To assist them in their duties as officers of the grand lodge of Ireland.

“ 1890. Do those persons attend the committee of the grand lodge in Dublin?—They are entitled to do so.

“ 1891. As authorised representatives of those district lodges?—No, certainly not; they are not authorised representatives of any district, or any particular body of Orangemen.

“ 1892. Will you have the kindness to refer to that book, containing the proceedings of the committee, and read this entry?—‘The returns of the grand officers from the county of Fermanagh being read, and the appointment of two assistant grand secretaries being irregular, resolved, that the matter be referred to the county grand lodge, for the purpose of stating which of them they intend as *their representative at the committee* of the Grand Orange Lodge.’

“ 1893. Does it not appear from that, that it is usual to elect those officers as the representatives of the district lodges in the committee of the Grand Orange Lodge of Ireland?—Yes, *representatives of their interests*; as assistant grand secretaries.

Mr. Blacker is a gentleman of respectability, and that he was guilty of any sort of evasion, we are very far from stating or from insinuating; but his bias is inevitable, and whatever meaning he may attach to *delegation*, it is clear, that on his own showing, a body of deputies from upwards of one hundred

thousand men, exists in the Orange Society. Having quoted his evidence, we now refer to the laws and ordinances, published in 1885 (*p. 29, Appendix, Irish Report*).

## GRAND LODGE.

*“ Rule I.—The grand lodge of Ireland shall consist of its own grand officers, viz.—A grand master, deputy grand masters, prelate, grand chaplains, grand secretary, grand treasurer, deputy grand chaplains, deputy grand treasurer, deputy grand secretary, and assistant grand secretaries, the grand officers of counties, and the committee.*

## GRAND COUNTY LODGES.

*“ Rule I.—The officers of the several districts in each county shall meet at a period as near as practicable to the first week in the month of April, and proceed to appoint a grand master, deputy grand master, grand treasurer, grand secretary, grand chaplain, and assistant grand secretary, who are to come into office on the 1st of May ensuing for one year, and these shall be the only county grand officers having a seat in the grand lodge.*

*“ VI.—The grand master of counties shall make returns to the grand lodge of Ireland, of the names and residences of the brethren in their counties, at the meeting of the grand lodge in May.*

## DISTRICT LODGES.

*“ Rule I.—The several counties shall be divided into districts, according to local circumstances; and in each district there shall not be less than three lodges; the precedence of the districts to be determined by the county grand lodge.*

*“ II.—The master and deputy master of lodges (except in the province of Ulster, where the deputy master shall have the privilege of attending only in the absence of the master), so forming a district, shall assemble in the month of March, and appoint a master, a deputy master, chaplain (being a clergyman), secretary, treasurer, and deputy secretary, who are to come into office on the 1st of April ensuing for one year, all subject to the approval of the grand lodge of the county.*

*“ III.—District masters shall make returns to the county grand lodges of the names and residences of the brethren in their districts, and of individuals rejected or expelled within said district, at the county meetings to be held in April.*

## PRIVATE LODGES.

*“ Rule I.—Each lodge shall have a master, deputy master, secretary, treasurer, and five committee men, to be elected by the lodge at the first meeting in February, and to come into office on the 1st of March ensuing, for one year, who shall transact the business of the lodge.”*

Thus the private lodges elect the officers of lodges, the officers of lodges elect the officers of districts, the officers of districts elect the officers of counties, and the officers of counties so chosen, are members of the Grand Lodge of Ireland.

It must strike any individual, whose judgment is not under the strongest influence of partisanship, that the system into whose details we have to a certain extent gone, affords to a

faction a tremendous engine, and that to the worst purposes it is not only possible, but most probable that it should be converted. No organization can be more perfect: divided and subdivided as the Orangemen are, yet their vast numbers (and they allege that they exceed two hundred thousand) are in close and uniformly regulated communication; through the medium of their lodges, districts, county lodges, and their grand lodges, any ordinance may be instantly transmitted through the entire country, and the entire mass of the brotherhood may be at once put into action for any object, to which its directors may think proper to apply its power. So anxious are their leaders that this body should be capable of an immediate and simultaneous movement, that every Orangeman is counted; and not contented with an annual census, a specification of the name and residence of each individual, is every year returned to the Grand Lodge. We again set forth rule the sixth, "the Grand Masters of counties shall make returns to the Grand Lodge of Ireland, of *the names and residences* of the brethren in their counties, at the meeting of the Grand Lodge in May." A muster-roll of Orangeism is kept, and of the numbers, and condition of every regiment in the service. There does not exist more minute and accurate knowledge at the Horse Guards, than is possessed by the Grand Orange Lodge, of the force it can command, whenever its power is to be resorted to—whenever Protestant ascendancy shall cease to be sustained by the sovereign of these islands, according to such interpretation of that "ascendancy," as it may please the confederated commentators on the constitution to put upon it.

The report of the committee on Orange Lodges, in Great Britain and the colonies, conclude in these words:—

"The nature of the organization of the institution, and the dangers from its existence, will appear, when the House is informed, that the master of every lodge is required to meet the deputy grand master of his district every half year, and deliver to him a return (a copy of which will be seen annexed) of the number of members, and of the proceedings of the lodge during the preceding half year; he is required also to collect and to pay at the same time the dues of his lodge. The returns and cash are then sent by the deputy grand master of the district to the deputy grand secretary in London, who lays the accounts and returns before the grand committee for their examination, and that committee reports thereon to the Imperial Grand Lodge, whatever may have occurred of importance in the last six months worthy of their consideration. Lodges communicate sometimes

directly to the Grand Lodge, and the Grand Lodge sends copies of all its proceedings and orders periodically to every district master, and to every lodge throughout the empire.

"Your committee think it right to place before the house the words of the statute, the 39th Geo. III., c. 79, regarding corresponding societies. Section 9. 'Any society composed of different divisions, or branches, or of different parts, acting in any manner separately or distinct from each other, or of which any part shall have any distinct president, secretary, treasurer, delegate, or other officer, elected or appointed by, or for such part, or to act in any office for such part, &c. ;' and in conclusion, your committee submit that it will be for the House to consider whether the present organisation of Orange Lodges, in connexion with the Imperial Grand Lodge, comes within the words of that statute ; and, if so, whether the law officers of the Crown should not be directed to institute legal proceedings, without delay, against the grand officers of all Orange Lodges."

These observations, it will be urged, perhaps, apply to the English Orange Lodges only ; but such a connection has been proved to exist, that, for all the purposes of future legislation, if not for those of immediate adjudication in a court of criminal justice, the English and Irish societies must be regarded as identified. In order to establish this proposition, we submit the following facts :—By rule 11, "the grand officers of Great Britain are members of the Grand Lodge of Ireland." By rule 12 of the English society, "the members of the late and present Grand Lodge of Ireland are honorary members of the Imperial Grand Lodge of Great Britain." Having found this rule by which a reciprocal reception of grand officers was adopted, we turned to the printed reports of the proceedings of the English society, and ascertained that the meetings were principally composed of Irish Orangemen. We copy the following account of a meeting at Lord Kenyon's, held on the 4th of June, 1835, pending the inquiry before the committee, and held as if in defiance of any consequences to which its investigations could lead.

**"(ROYAL ARMS.)"**

**LOYAL ORANGE INSTITUTION OF GREAT BRITAIN.**

Proceedings of the Imperial Grand Lodge, holden at the residence of the Right Hon. and very Right Worshipful Lord Kenyon, D.G.M. of England and Wales, in Portman Square, on Thursday, the 4th day of June, 1835.

**PRESENT :**

Field Marshal His Royal Highness the Duke of Cumberland, K.G., &c. &c. &c.,  
Grand Master of the Empire.

The Right Honourable and very Right Worshipful Lord Kenyon, D.C.L., F.S.A.,  
&c. &c. &c., Deputy Grand Master of England and Wales.

General His Grace the Duke of Gordon, G.C.B., &c.

Deputy Grand Master of Scotland.



The Right Honourable the Earl of Bandon.  
 The Right Honourable Viscount Bernard.  
 The Right Honourable Lord Langford.  
 The Honourable Randal E. Plunkett, M.P.  
 The Honourable Archibald Stopford.  
 The Honourable Colonel Wingfield Stratford.  
 Lieutenant-Colonel Fairman, D.G.S., &c.

**MEMBERS OF THE IMPERIAL GRAND COMMITTEE :**

Richard Bourke, Esq.	Lieutenant Nelson Fairman, R.N.
S. C. Bromley, Esq.	Reverend Dr. Fancourt, D.G.C.
F. F. Cooper, Esq.	John Gibson, D.G.M. of Woolwich.
John Earl, Esq.	Captain Stewart.
Captain Hamilton.	W. L. Thompson, D.S.
J. F. Staveley, Esq.	Samuel Tucker, Esq.
W. H. Grey, Esq. (by courtesy).	

**By permission :**

Brothers Charles Colwell.	H. Heeley.
Donald Currie.	E. Johnson.
John Duke.	Eli Milla.

**MEMBERS OF THE GRAND LODGE OF IRELAND :**

H. R. Baker, Esq., D.G.T.  
 Stewart Blacker, Esq., A.G.S. of Ireland, and A.G.S. county Armagh.  
 N. D. Crommelin, Esq., G.M. county Down.  
 A. G. Lefroy, Esq., G.M. county Kildare.  
 Anthony Lefroy, Esq.  
 Henry Maxwell, Esq., G.S.  
 Robert St. George Mayne, Esq.  
 Reverend Mortimer O'Sullivan, D.G.C.  
 Reverend Samuel Sullivan.  
 Alexander Percival, Esq., G.T.  
 Robert Smith, Esq.  
 William Swan, Esq., D.G.S.  
 Lieutenant-Colonel Verner, D.G.M. for Ireland, and D.G.M. for the county of Armagh.  
 Thomas Verner, Esq., D.G.M. for Ireland.  
 William Ribbon Ward, Esq., Grand Solicitor.

Grand Mace Bearer, Brother John Rayner.

Tylers, Brothers John Oldis and David Sayers.

Prayers being read by the Reverend Samuel O'Sullivan, H.R.H. the Grand Master declared the lodge duly opened."

Here we find, that not only a great body of Irishmen attended, but that Mr. Mortimer O'Sullivan read prayers, and further, that he made a speech, which is reported in page 77 of the Appendix.

It will probably be said, that the mere attendance of Irish Orangemen does not prove that the two Societies are in communion. But what will be said by the most ingenious, or the most disingenuous disputant to the fact, that in lieu of

Irish warrants, English warrants were habitually exchanged, and that it was only necessary to produce an Irish, in order to obtain an English document, authorising the person holding it to establish a lodge? Lord Kenyon, in his evidence, states as follows (*English Report*):—

“ 2821. Are you aware that warrants for lodges under the Irish Orange Lodge have been exchanged without any question by your institution?—Generally speaking, all Irish warrants have been exchanged by our institution; how far that applies to any regiments I do not know; I should state, that probably the same liberality has been exercised in that case as in others, but I know nothing about it.

“ 2822. Are you not aware whether your grand secretary had the power of exchanging any warrant held under the Lodge of Ireland for an English warrant?—Clearly.

“ 2823. Were those matters ever brought to your consideration, or is it only lately you became acquainted with it?—It was brought to my consideration at the time of the discontinuance of the society in Ireland, but it was not brought to my consideration at all with reference to a military lodge.

“ 2824. Have you not been aware that military warrants held under the grand lodge of Ireland have been exchanged for English warrants?—I have no such knowledge.

“ 2825. Would you be surprised if you were informed that it has been the invariable practice on the part of your grand secretary to exchange them without questioning, in any degree, the propriety of that course of proceeding?—Considering his zeal on the occasion, I should not be at all surprised.

“ 2826. Your Lordship is aware that Irish warrants have been exchanged for English?—Yes; and I stated when they were.

“ 2827. In Ireland, warrants are directed to particular districts?—I am not at all aware of that.

“ 2828. Is not your Lordship a member of the Irish institution?—I think I have not that honour.

“ 2829. Is not your Lordship an honorary member?—I think very probably I am.

“ 2830. Has your Lordship a copy of the rules and regulations of the Irish institution?—I cannot say; probably I have.

“ 2831. Has your Lordship ever read it?—It is probable I have, but I cannot say.

“ 2832. Wherever there is an exchange, it must apply only to a regiment, that being the only instance where the warrant is transitory?—The reason which was given for granting warrants with respect to Ireland was, that from the then state of the law with respect to Ireland, the Orange Institution could not grant warrants, and they were in abeyance for a certain time.

“ 2833. So that though there was an Act of Parliament passed for the purpose of suppressing the Orange Institution in Ireland, in operation from 1826 to 1828, and the Orange Institution was in abeyance, the English Institution substituted themselves for the Orange Institution in Ireland, and actually granted warrants for Ireland?—The English Orange Institution at that time knowing that there were brother Protestants in Ireland, who could not be admitted into an

Orange Institution there, admitted them as members of their own institution in England, when they applied to be so admitted.

" 2834. They granted warrants for that purpose?—Yes.

" 2835. They granted warrants to Ireland for the purpose of enabling Irishmen to be attached to the society?—Of course, to attach them to the Orange Institution in England, which was not illegal."

We might dwell on this evidence, in order to exhibit the contrast which it affords, between the professions of Orangemen of their solicitude to maintain the law, and this palpable evasion of it;—we might enlarge on the expedient to which they had recourse, to foil and frustrate the Legislature, when they granted warrants in London (because, in Dublin, they would have been illegal), in order to hold lodges in Ireland; but putting that topic for the present aside, we appeal to any man of common candour, and ask, whether the above acknowledgments do not put the fact of identity between the two societies beyond all question? The Committee on English Lodges thus sum up the proofs of this intimate junction, which we consider to amount to a community of existence, which cannot be controverted.

" Your Committee call the attention of the House to the fact, that the rules and ordinances of the Loyal Orange Institution in Great Britain, and of the Grand Orange Lodge in Ireland, are nearly similar; the rules of the former having been first formed from those of the latter; the objects of both institutions are also nearly analogous; the same signs and pass-words are used by the members of both institutions; members of lodges in Ireland are admitted into lodges of the Loyal Orange Institution in Great Britain, and also in the colonies, and vice versa; the systems of England and Ireland were assimilated in 1831-2\*; and the new system of lectures, secret signs and pass-words, has of late years been adopted by all Orangemen in the United Kingdom, and in the colonies; and the ordinances declare that, 'its whole institution is one neighbourhood, ' within which every Orangeman is at home in the farthest parts of the world.' The system of signs and pass-words adopted by the Orange Institution in Ireland on its arrival, 15th September, 1828, was framed by the Deputy Grand Secretary of England, and is now in use in Great Britain and Ireland. The English Orange Institution originated from the Irish; and, in 1828, the Irish was revived from the English; and the same signs became common to both countries."

The Committee might, in addition, have stated, that in the establishment of lodges in the Colonies, in British North America, and in New South Wales, the English and Irish

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\* Grand Lodge Minute Book, June 4, 1832.—" For reasons at once satisfactory and obvious, the Grand Lodge have judged it necessary to alter their pass-words, and to assimilate the English and the Irish lectures in both orders."

Societies took a common part, and appear to have been equally zealous in this Colonial propagandism.

We have, at some length, gone into the constitution of the Orange Society;—the main question remains—how has the system worked?—have its results been beneficial or detrimental to the country? To this interrogatory, we proceed to give an answer; and lest we should be suspected (and if not suspected, we are sure of being accused) of misrepresentation, we shall, in order to substantiate every assertion which we make, and every position which we lay down, refer to the evidence before us; and make somewhat large, but we trust, neither uninstructional, nor uninteresting, citations.

If the Orange Society were to be estimated by its protestations, the most favourable opinion ought to be entertained in its regard. Never was public virtue more ostentatiously and vehemently professed. An Orangeman, on his initiation, makes the most solemn declaration, and calls heaven, in words of the most awful adjuration, to witness, that he has, at least, no other object but the good of the community, the maintenance of peace and of good-will, the sustainment of legitimate authority, the enforcement of wise and salutary laws, the diffusion of sound political principles, and of pure Christian morality, amidst the mass of an unenlightened and vitiated people. How touching is the following description of the qualifications required in a candidate for admission to this pious, compassionate, humane, and truly Christian conspiracy. It is copied from the rules of the society.

“ An Orangeman should have a sincere love and veneration for his Almighty Maker, a firm and stedfast faith in the Saviour of the world, convinced that he is the only mediator between a sinful creature and an offended Creator. His disposition should be humane and compassionate; his behaviour kind and courteous. He should love rational and improving society, faithfully regard the Protestant religion, and sincerely desire to propagate its doctrines and precepts. He should have a hatred to cursing and swearing, and taking the name of God in vain; and he should use all opportunities of discouraging those shameful practices. Wisdom and prudence should guide his actions; temperance and sobriety, honesty and integrity, direct his conduct; the honour and glory of his King and country should be the motives of his exertions.”

Nothing, it must be acknowledged by the most determined enemies of the Society, can be better done than this; and if, in any degree, the practice of the Society corresponds with these fine sentiments, Orangeism is above all praise;—but it.

will scarcely be deemed unreasonable, that, with this beautiful theory, the practice in which it is embodied, should be compared, and that we should inquire how far, with these sacred obligations, with these lofty principles of humanity and of religion, the initiated have complied.

How has the system worked? Try it by the only standard by which its merits can be ascertained; or from "its fruits," according to the simple scriptural inculcation, let our knowledge of its character and tendency be drawn. In considering the practical results of the society, it is important, that where the subject is so multifarious, a distinct division should be adopted; and therefore we shall examine the several topics which offer themselves to our reflection, under three heads;—first, the influence of Orangeism on the public peace;—secondly, the effect which it has had upon the administration of justice;—and lastly, the political objects which it has been employed to promote; and the ulterior designs to which it is intended to be applied.

We begin, by exhibiting the consequences which have followed the introduction of Orangeism into this country; and if those consequences have been injurious in this country, where the same materials for excitement do not exist, as in Ireland are unhappily to be found, by how much more detrimental results in that ill-fated island, must this institution have been attended?

The principal witness to the effects of Orangeism upon the lower orders in Great Britain, is one, whose motives it will be difficult to impeach, and whose official character afforded him the best means of forming an accurate opinion upon the subject. Mr. Innes is an advocate at the Scotch bar, and one of the Lord Advocates deputies, for managing the criminal business of the country. He was examined before the Committee on Orange Lodges in Great Britain, and to his deposition the Committee advert in their report. We copy the passage in the report to which we allude; and the more readily, because the baneful effects of another and counter society, are stated, with a stern impartiality, in the report. We give the exact words of the report.

"To show the tendency of Orange Lodges in the West of Scotland, the whole of Mr. Innes's evidence must be read. Mr. Innes was deputed by the Lord

Advocate of Scotland, the law officer of the Crown, to proceed to Airdrie, Glasgow, and other places, in the west part of Scotland, to inquire into the nature and extent of the riots, that had taken place in July last in several parts of that country, and their causes; he stated to the Committee, that the existence of Orange Lodges had been the cause of those riots, some of which had been attended with loss of life, and the subsequent execution of the offender; and that some of the late rioters were now waiting their trial. It will be seen that the meeting and procession of the Orangemen, at one time, led to the riot and breach of the peace; that, at another time, the Catholics became the aggressors, having met and proceeded in great numbers with the determination of preventing any Orange procession which they expected to take place; and, on another occasion, the inhabitants of the town were brought forth to put down the riot between those two parties, and to drive them from the town. Your Committee observe, that in Mr. Innes's opinion, those breaches of the peace, alternating from one party to the other, are expected to continue as long as that cause remains. Mr. Innes states, an authority on which Your Committee place confidence, that the existence of the Orange Lodges, their meetings, processions, and proceedings, have roused an opposition on the part of the Catholics to protect themselves from the insults offered by the Orangemen; and, that secret societies have been formed for that purpose, by which the members can be called forth at any time when occasion shall require their meeting, to protect themselves against the insults of the Orangemen, or to be revenged upon them; that the meeting of Catholics on the Green at Glasgow, before they marched to Airdrie, where they expected the Orangemen to walk in procession, was assembled by that means; and, from the proofs already mentioned, although Mr. Innes has been unable to procure any copy of the rules of those societies, he is satisfied that the delegates of no less than twenty-four of these societies, which he calls Riband Societies, having secret oaths and signs, previously met together to arrange the meeting and procession to Airdrie. The opinion of Mr. Innes, after all the information he has become officially possessed of, is, that it will not be possible to restore the west of Scotland to tranquillity, and to prevent breaches of the peace occurring occasionally, unless measures are taken to put down the Orange Lodges and Ribandmen, and every other secret society. Whether the existence of Orange Lodges has produced the Riband Lodges, or the Riband Lodges have produced the Orange, appears to be of little consequence. It is notorious that the Orange Lodges exist, under the patronage of men high in rank in England, Ireland, and in Scotland; and the countenance given, in consequence of all the orders of the Orange Institution being issued by, and under, the authority of such men as his Royal Highness the Duke of Cumberland, as Imperial Grand Master, and of his Grace the Duke of Gordon, as Deputy Grand Master for Scotland, will be found to have a greater effect on the poor and the ignorant, of which the Orangemen there chiefly consist, than might be expected. When we see an emissary despatched for two successive years to extend Orangeism in that country, under the special and extraordinary commission of the Duke of Cumberland, bearing his sign and seal, with powers to propagate Orangeism, to form lodges, to dismiss members, or to pardon offences of Orangemen how, and when, he pleases, it appears time for government to interfere. When the emissary is entertained and countenanced for weeks as an inmate of Gordon Castle, the influence of the peer may be, by the ignorant, transferred to the emissary, in everything respecting Orange Lodges in that country. There are various ways of enlisting men in a cause, and when it is seen by the reports of the proceedings of

grand lodges, that such men as the Duke of Cumberland, the Duke of Gordon, Lord Kenyon, Lord Wynford, Peers and Members of Parliament, are united by the same secret signs and pass-words, and seated in the same room with a poor pensioner of one shilling a-day, or any Orangeman, whatever his state in society may be, allowance must be made for the sacrifices that may be made by such persons, to be able to call the Duke, or any other Orangeman, his brother; with permission to apply, whenever in difficulty or distress, for the assistance of such wealthy and influential men.

"As a proof of the baneful effects of the existence of Orangeism in Scotland, Mr. Innes states one example, where a lodge of pitmen lately expelled from their body all the Catholics who had previously lived and worked together with them in peace and harmony.

"Your Committee will only add, that the mischievous effects of Orange Lodges shown, though on a small scale in Scotland, may be expected wherever such a system is upheld and promoted by men of high rank and by influential members of society: a reference to the evidence before the House, of the working of Orangeism in Ireland, on the broadest scale, and after many years continuance, will completely bear out that opinion."

From Scotland, into which Orangeism has been transplanted, and in which its produce has been such, or has been thus described, we turn to the country where it first struck its roots, and where its fertility in evil has been more fully and disastrously exemplified. From the vast mass of matter, we find it not very easy to select the most conspicuous instances of outrage; for, as we turn over the pages of the report, one crime overtops the other, and upon atrocity, atrocity appears to rise; to form a just opinion of the extent to which the excesses of this frightful association have been carried, the entire evidence must be read; but of its results, although not an adequate, yet some opinion, from the references which our limits will permit us to make, may be formed.

Mr. John Gore Jones is a stipendiary magistrate; he was examined before the Irish Orange Lodge committee—read the following extract:—

"8412. Do you remember any striking instances of the violation of the law taking their rise in the Orange processions, and other parts of the county, in the year 1833?—No; in the year 1833 I was confined to Antrim. In the year 1834, there was a similar procession to the one I have described, entered Portlown, 1833, upon what I have already termed the Antrim side. I had twenty-six military, and the same number of constabulary, I had twenty-five of the 74th regiment; previous to their coming in, I went out and met them; I advised them (and read the orders under the Processions Act) to disperse; the Riot Act I also explained to them, that every one remaining a quarter of an hour would be liable to summary punishment, but they would not be stopped; I drew the military up in the street of Portlown, in a narrow place, I chose the best position, and while in that position it was intimated to me by a vidette I had out, that a

great body were coming on the Derry side to take me in the rear. I ordered the military to load, having read the riot act, and gave directions to the officer on no account to let the procession pass. I had received information similar to what I have described the first year, and that it was likely to lead to tumult. I went to the bridge of Portlown with the constabulary, leaving the military in the upper part of the street, for there was a space of five hundred yards intervening. Upon my arrival there at the bridge I saw the Derry Orangemen approaching, and I suppose I do not exaggerate when I say there were three thousand; they came up to the bridge where I was, and I read the order to disperse, and the riot act also; I read both; I addressed them for some time, to which they were perfectly heedless, and they said, they would come through, and would not be prevented; for about fifteen minutes we kept them in check, the bridge was favourable to our purpose, being narrow, with fixed bayonets. At the time I thought my object achieved, I perceived the Antrim Orangemen, coming in full force in my rear, and at that time within about ten yards of me.

“ 8413. What number might they be?—Probably two thousand. The military were no-where to be seen, and under the circumstances I thought it prudent that the police should give way; they gave way, and they then joined, both parties joined and marched to the Derry side; upon their having marched on the Derry side, some time afterwards the military officer came up with his party scattered.”

This incident, to an English reader, may appear sufficiently strong and characteristic, but it becomes feeble and insignificant, when compared with the outrages committed in the Maghery, and the Maghera cases, relative to which a series of official papers will be found in the Appendix.

Mr. Hancock, a magistrate of Armagh, in a letter of the 28th November, 1830, addressed to Mr. Stanley, after stating that a quarrel had taken place on the 19th, between the Catholic and Orange party, and that a drum of the latter had been broken by the Maghery Catholics, on account of its being used in a procession, proceeds in these words—

“ On Monday morning a large body of armed men marched with drums and fifes past the house of a Mr. Boutrie, who is, I believe, an officer in the Killyman yeomanry corps, who states he remonstrated with the party, who declared their intentions to be to wreck Maghery. Not being able to stop them, he rode off towards Verner's Bridge, and called upon Captain Lloyd, of the Killyman yeomanry corps, to interfere to stop the party, and rode on to the house of Colonel Verner to apprise him of the party; the colonel immediately repaired to the bridge and locked the toll-gate, to prevent the party from crossing the bridge; the colonel then asked the men what they wanted, and they said their drums had been broken at Maghery, and they had been beaten, and they would have satisfaction. Colonel Verner said the damage should be paid, but the mob said ‘ We must know that the Maghery people do pay,’ and deputed two of the party to go to Maghery with Colonel Verner, to get paid, the others agreeing to disperse and go home. Colonel Verner, when he had got the two men who were to accompany him, went to his house to get his breakfast, and as soon as he was



gone, the armed party broke over the gate and proceeded to Maghery. Colonel Verner overtook them upon the road, and, as he states, did every thing in his power to prevent the party from proceeding, but without effect. On the party marched, and when they arrived at Maghery, commenced operations by breaking the doors, windows, and furniture of the inhabitants; in fact completely wrecked the village in the presence of Colonel Verner and some of the constabulary police; and having done, marched off with drums beating in regular order, Captain Lloyd at their head, and the rear brought up by Colonel Verner. No attempt was made by Colonel Verner, though a magistrate of the counties of Armagh and Tyrone, to take a single prisoner, nor did he bring one of his labourers to assist in intercepting the return of the party over the bridge, as he might have done, but allowed the party to march in triumph over the bridge, and home to Killyman; nor has a single individual been arrested or held to bail."

Mr. Hancock, it may be thought, is a witness prejudiced against the Orange party, and his account ought to be taken with allowances for his political feelings; be it so; we appeal to another, and, in the opinion of Orangemen, an unexceptionable witness, Lieutenant-Colonel Blacker, himself an Orangeman, and holding a high office in the society; his statement of the facts, as they appeared before the magistrates, is in these words:—

"On the morning of Monday the 22nd, Mr. Lloyd, of Killyman, county Tyrone, was informed by his servant that a body of people were coming along the road near his house, on their way to Maghery, for the purpose of destroying it. Mr. Lloyd met the party on the road, and endeavoured to stop them; they told him that their object was to get their drums repaired, and that done, they would return home peaceably. Mr. Lloyd then returned to his house, and mounted his horse in order to proceed to Colonel Verner, at Church-hill; on reaching Verner Bridge, he found Colonel Verner there, that gentleman having been already apprised of the approach of the party by a respectable person from Tyrone, Mr. Boutrie. The toll-gate was locked, and Colonel Verner was addressing the party then on the bridge. Colonel Verner proposed that two of their number should be sent to Maghery, and that he would accompany them, with a view to settle matters; this they agreed to, and the two persons were directed to proceed with a sergeant of police to Maghery, while Colonel Verner, accompanied by Mr. Lloyd, went home for his horse, in order to follow them. As soon as Colonel Verner was gone, the party forced their way over the bridge, and were overtaken by Colonel Verner and Mr. Lloyd, on the road to Maghery. On Colonel Verner expressing his great displeasure at their breach of agreement, they consented to stop until he and Mr. Lloyd should return from Maghery; the two gentlemen then hastened to the village, when Colonel Verner called upon such of the inhabitants as he could find to come to him: a few did so, and while he, Colonel Verner, was speaking to them, he observed the party at the entrance of the village. He requested Mr. Lloyd to stop them, which that gentleman attempted to effect, but the crowd pressing on, Colonel Verner ran down to his assistance, remonstrated, and read the Riot Act, but to little purpose; for though it appears that the main body remained on the road, a considerable number, detaching themselves from it, made their way into the village by the fields, commenced and

carried on the work of destruction. Colonel Verner appears to have used every exertion to put a stop to the outrage; they entered many of the houses and dragged the assailants out; he was at one period in great danger, a ruffian having presented a gun at him; the actual perpetrators of the outrage are described as being for the most part young lads in very ragged apparel; they were variously armed, some had fire-arms, others old bayonets on sticks, some plough irons; one shot was fired in the house of Mrs. Campbell, and three guns are stated to have been snapped at James M'Geary; some wearing apparel, house linen, and money, were carried off, and also two guns, one the property of Mrs. Campbell, which she had secreted on board a lighter, but was forced on oath to discover where it was; the other from the house of James M'Geary, a tenant of Colonel Verner, near the village, which house also received much damage. Mrs. Campbell was wounded in the head by a young ruffian with a rusty bayonet fixed on a stick; a quantity of spirits and ale were spilled in her house, but none drank. She keeps the principal public-house in the place; she and her daughter received much abuse. Several other persons were struck with the butts of guns, and attempts were made to set fire to two or three houses, by placing lighted coals in the thatch and bedstrow. The party left the village about 12 o'clock, and went off to the county of Tyrone, with drums beating."

Abominable as these facts must appear, yet in the Maghera case, still more execrable outrages were perpetrated by the men by whose atrocities we ought not to be more shocked, than by the boldness of those who, in the face of these dreadful deeds, have had the intrepidity to defend them. In page 249 of the Appendix, the following statement, made by Mr. Hunter, a magistrate, is inserted. We quote his very words:—

"In consequence of an application to government by the magistrates, two companies of the 64th regiment arrived on the 9th and 10th July instant, one at Castle Dawson, the other at Maghera.

"On the morning of the 12th, about eight o'clock, one of the companies, under the directions of the magistrates, proceeded to Bellaghy, where it was understood the Orangemen would assemble for the purpose of walking in procession through the townlands of Drumard and Gullahluff, at which places it was supposed the Ribandmen would be assembled to oppose them. At one o'clock, the Bellaghy Orangemen, joined by several other lodges of Orangemen from Magherafelt, Castle Dawson, Pinisrick, Tamlaght, Kilrea, and other places, amounting in all to about six hundred men, completely armed with guns and other weapons, attempted to get down upon the direct road to Drumard.

"The military were stationed there, and the magistrates had an interview with the masters of the different lodges, and reasoned with them upon the folly of attempting to proceed in the face of a body of soldiers, and requested them to go quietly back to their respective lodge-rooms, and after refreshing themselves to return home, and they offered them any protection for so doing; to this the Orangemen consented after a great deal of difficulty, and after the Riot Act was read, and they pledged themselves solemnly, that if the magistrates and the military went towards Drumard and dispersed the Ribandmen, that they (the Orangemen) would remain at Bellaghy; to this the magistrates agreed, and marched the military towards Drumard.

"Prior to this, the magistrates at Maghera, with the police, had been with the

Ribandmen at Drumard, amounting perhaps to six hundred or seven hundred men, partially armed; and upon his assuring them that the Orangemen would not march that way, and giving them his advice to go quietly home, they did so.

"When the military and the magistrates from Bellaghy had arrived at Drumard, there was no person to be seen, the country perfectly quiet, and they returned back again to Bellaghy to assure the Orangemen of this. On their way back, about a quarter of a mile from Bellaghy, they were met by the whole body of Orangemen (in defiance of their solemn promise) with drums beating, colours flying, and every appearance of excitement and intoxication; and it was not until they came up to the bayonets of the soldiers that they could be prevailed upon to stop. The magistrates then assured them that the Ribandmen had all dispersed, that everything was quiet at Drumard, and they entreated them to return to Bellaghy. A scene then occurred, the most frightful and disgraceful ever witnessed; no one who has not seen a drunken mob of at least seven hundred men, armed, excited, and out of uniform, can conceive anything like it; the Orangemen pressed on with shouts and imprecations; many shots were fired by them in the rear, and an attempt made to overpower the military; the magistrates again read the Riot Act, and the soldiers were ordered to charge bayonets; after a struggle of about half an hour, during which the Orangemen did everything in their power to insult and intimidate the magistrates, they were forced back to Bellaghy at the point of the bayonet, fortunately without loss of life; and if it had not been for the admirable discipline of the officers and men, and the temperate conduct of the magistrates, events the most deplorable must have happened. After this repulse, the Orangemen from a distance marched home in procession, and tranquillity appeared to be restored. The magistrates remained on the road for about an hour with the military, and then, with two Orange Lodges in front, marched home to Castle Dawson, about six o'clock in the evening. About eight o'clock an express arrived at Castle Dawson to say that the Orangemen and Ribandmen had met, and were then engaged; the magistrates and the soldiers immediately set out for the spot.

"The facts are, some of the Orangemen of Bellaghy had, during the struggle on the road, managed to pass by the soldiers, and by hiding in hedges had succeeded to keep themselves concealed. Another party of Orangemen from Cavan, in this county, had, in defiance of the magistrates at Maghera, persisted in going forward towards Drumard, after the Riot Act had been read, and those two parties having joined each other, commenced an attack upon the houses of the unfortunate people of Drumard. A few of the Ribandmen, upon hearing the shouts of the other party, and seeing the attack upon the houses, came forward, and some shots were exchanged; the former retreated, and the Orangemen commenced the work of destruction; they fired into the houses until all the inhabitants fled, and then set fire to every article of furniture, demolished doors and windows, and even trampled and destroyed the wretched pittance of meal and provisions. So deadly was their animosity, that when the soldiers came up and saw the houses in flames, and wished to save them, there was not a single vessel capable of holding water that had not been broken into a thousand pieces.

"The military did not arrive from Castle Dawson until seven houses were set fire to, one of which was entirely consumed, and the Bellaghy Orangemen retired, after having vented their fury and finding no resistance. Just as the military came up, a fresh body of Orangemen from Maghera appeared; the moment they came in sight they fired a volley; the military then closed upon them, and after

some parley they agreed to give up their arms; they were then made prisoners, and marched to Castle Dawson, where they arrived about eleven o'clock at night.

"There was not a human being to be seen in the whole district, they had all fled; and the yells and screams of the Orangemen, whilst setting fire to the houses, the deliberate discharge of their musketry upon the straggling people, whilst flying, and their own appearance, stripped to their shirts, and covered with smoke and powder, can never be effaced from the memory of those who witnessed it.

Any thing so disgraceful to the character of men, and of Protestants, so savage, so lawless, and so uncalled for, cannot be forgotten: the whole was done with such deliberation, and open defiance of the law. The magistrate from Maghera, at the peril of his life, rode up to the Orangemen on the spot, entreated them to desist, and read the Riot Act for the third time, but nothing would satisfy them. The magistrate was fired at, and the bullet struck the ground within a few yards of his horse. It is but justice to the county to state, that not one man of respectability was amongst them: the procession was entirely composed of idle tradesmen, loose disorderly farmers' servants, and a few licensed publicans of bad character."

Base and despicable as the class may be to which these miscreants belong, are not their atrocities to be imputed to the men of a higher order by whom they are enlisted, who bind them by the formula of initiation, provide them with secret signs and pass-words, exasperate their religious passions, and then let them loose upon their fellow citizens to perpetrate the horrors, of which we have copied the recital?

But these events took place some five years ago, and since that period the Orange Society has become more refined and mitigated in its character! We fear that this favourable suggestion cannot be sustained. So late as January 1835, the following transaction took place at Annahagh, a village in the county of Armagh. A protestant, named McWhiney, and his daughter, had been beaten by the Catholic party some months before (God forbid that we should extenuate the offences of either party); in January 1835, a body of Orangemen returning from the chairing of Colonel Verner, after the election in Armagh, in revenge for the attack on McWhiney, broke into the dwellings of two Catholics, named McMahon and Hughes, and, to use the technical phrase employed in the north of Ireland, to describe utter destruction, "wrecked" their houses, on the 15th of January. A good deal of excitement was the result, and a report went abroad that the Catholic party were preparing to retaliate. The Orangemen assembled, and having marched to the village of Annahagh, perpetrated the outrage, of which Lord Gosford gives this account.

" 3412. On the 17th an attack was made on the town of Annahagh?—Yes.

" 3413. What was the number of persons, which had entered the town of Annahagh for the purpose of attacking it?—I do not think that that appears.

" 3414. Have the goodness to mention what took place in the town of Annahagh, with reference to this atrocious outrage?—There was a large body of people, supposed to be Protestants, and I do not believe it is doubted that they were so; on the hill of Kinnigo a party was coming up, and saw a party running from the rear of those houses to join the party so posted on the hill of Kinnigo.

" 3415. There were a number of houses belonging to Roman Catholics burnt on Saturday the 17th?—Yes, at noon-day, about twelve or one o'clock.

" 3416. Are you acquainted with the circumstances under which those houses were burnt, and what took place in the town at that time; did a large body of men enter the town on the morning of the 17th?—Yes, they entered this town and set fire to those houses, and rejoined the body, as it appeared to us, posted on the hill."

This is Lord Gosford's account. We now give that of Sir Frederick Steven, who is at the head of the police force in the province of Ulster, an officer of distinguished merit, and in whom no imaginable prejudice can be supposed to exist. In a letter to Sir William Gossett, dated January 18, 1835, he says—

" With reference to my letter of yesterday's date, I have the honour to acquaint you, for the information of the Lord. Lieutenant, that on my arrival at Charlemont, I found that Colonel Storey, having heard of the assembly of armed bodies of men, and some of his officers having seen many pass through Charlemont from the Tyrone side, had sent to Mr. Olphrets, a magistrate, and was prepared to give every assistance. On that gentleman's appearance, thirty of the artillery with a gun, and twelve police whom I had sent from Dungannon, proceeded on the Armagh road; and when about half way to that town, a large armed body of men (from one hundred and fifty to two hundred) with muskets and fixed bayonets (evidently yeomanry arms) were perceived drawn up on a commanding hill about four hundred yards from the road on the left, and immediately opposite, on the right of the road, were seven cabins in flames."

The following is part of his evidence before the Committee:—

" 4604. Upon Saturday the 17th the burning the houses at Annahagh took place?—It did.

" 4605. Were you present at the burning?—I was present while they were burning; they were set fire to about half an hour before we arrived.

" 4606. Will you state what took place after you arrived at Annahagh when the houses were burning?—I saw opposite to where the houses were burning a large number of men assembled upon the hill, armed.

" 4607. How many houses did you see burning?—Seven\*.

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\* Lord Gosford states the following melancholy circumstance:—

" 3871. Did you hear that on that occasion there was a man of the name of John Moore, a poor bedridden man, who had been confined to bed six months prior to this, and that they carried him out of the house to the snow, where he perished?—I think he was; they carried him out and laid him somewhere; it was very severe weather, and he died very shortly after his removal.

" 4608. What body of troops did you bring into the place?—I had a gun, thirty artillerymen, and ten police.

" 4609. Did you see any body of men posted upon a hill?—Yes; upon the left-hand side, at the lowest computation 150.

" 4610. Were they drawn up in military order?—Yes; in line.

" 4611. Had they any flag?—No.

" 4612. Had they any drums?—They marched off with drums afterwards.

" 4613. Did you call upon them to disperse?—No; I was not a magistrate."

It will have been remarked, that Sir J. Steven observes in his letter that the arms were yeomanry arms with which this body was furnished. His answer to a question on this subject is important.

" 4598. How do you form your opinion of the arms they had being yeomanry arms?—They had fixed bayonets; they were of that length and shape that no fowling piece ever is; they shouldered them, and they were all of the same sort of height and size; and, in short, they appeared to me evidently the arms that the troops usually carry, and, of course, they could not be any thing but the yeomanry arms."

" 3372. Who carried him out; was it the party who committed the outrages?—No; I rather think it was the party of his own friends, seeing the men coming down to attack the house.

" 3373. In order to prevent his being burnt in the house?—I do not know whether they knew the extent to which those parties were going, but they removed him with a view to save his life.

" 3374. The friends of the man had him removed with the view to save his life?—Yes; I believe so.

" 3375. Did they fly themselves from the houses?—Yes; most of all the inhabitants of the houses, I believe, fled at seeing the party rushing down."

• This then is the use to which the arms which are provided by the government, is turned; and when the persons, called agitators, denounce that body as only a branch of the Orange Association, they are charged with gross and scandalous misrepresentation. Having touched on this point, we cannot forbear from quoting examples of the feeling produced amongst the yeomanry, by the Orange organisation. In page 19 of the Appendix to the Irish Report, is inserted a letter from Lord Bandon relative to the misconduct of the Bandon yeomanry:—

" FROM LORD BANDON, RELATIVE TO THE MISCONDUCT OF THE BANDON YEOMANRY.

" Dear Sir,

*Castle Bernard, July 9, 1809.*

" Although you have, without doubt, received a full detail of the disagreeable events which have lately taken place amongst the yeomanry of Bandon, from Lieut.-Colonel Auriol, I think it right to trespass on you with a few words on the subject myself, in order to account for the part I have been induced to take in these transactions. I may say, that the existence of the Boyne Society as a yeomanry corps was my work, because, when the establishment of this kind of force was in contemplation, I was consulted by the then existing government as to the character of the Boyne Society, and whether it might be desirable to continue it on the new plan, as notwithstanding my being well acquainted with the

We could cite many other instances of the effects upon the peace of the country produced by this baneful society: but

religious prejudices of this body, I never had the smallest reason to suppose that the control of their officers would on any occasion be treated by the members composing it with disregard; and that I thought a well-chosen set of officers would make its continuance perfectly safe, I gave my opinion accordingly; and I am now sorry to observe, that the prejudices I before mentioned have arisen to such a height as to render it impossible for any officers to command them in matters which may at all interfere with their violence. Captain Kingston certainly cannot be blamed for assembling the corps to parade on the 1st instant; because all who know their temper, know that they would have assembled without orders, and it was judged most prudent to gratify their wishes in moderation. This expedient however failed, and a total disobedience to their officers was the consequence; seeing which I interfered to make them return to their duty, as their captain commandant was absent in England, and I had myself been in that situation so long, that I judged I must have influence. I succeeded as I expected; but it was the opinion of the captains of the several corps that proceedings, so subversive of all military discipline, should not be passed over; and a determination to insist on the ringleaders being given up was the consequence. This, however, was resisted, as well as any attempt to discover the person who fired into Captain Kingston's house, and who, according to the general belief, was certainly a yeoman; they preferred giving up their arms; in which all the infantry corps were unanimous, although the Boyne were certainly by far the most violent; they, however, addressed me by their serjeants, stating 'that their misconduct on the 1st instant proceeded from misconception of the orders,' and 'their concern for having acted as they did.' This address I flattered myself would have been productive of all the good consequences we could wish; instead of which, the corps met to be inspected on the 6th in a state perfectly mutinous. Nothing that Colonel Auriol, their officers, or myself, could say or do, could induce them to pull the orange lily from their caps, although *this was no anniversary day*; and we could impute the wearing of the badge to an insolent contempt of all subordination (and an opposition to the discovery of the offenders) alone. I must own I have been extremely hurt at this behaviour, having always felt the greatest partiality for the yeomanry of Bandon, who, I am sorry to add, in their present temper seem quite unfit to be trusted with arms (if the preservation of the peace of the country is to be considered), as their unnecessary violence cannot but exasperate their neighbours of a different persuasion. No arguments, which good sense and moderation could suggest, were left untried by Colonel Auriol to bring the yeomanry to their duty; and it was no small addition to the mortification I experienced, to see his efforts (to whom they owe so much) unavailing. I beg leave to enclose Mr. Kingston's advertisement, and wish to know whether it may be thought worthy the notice of government; if it should, and that pardon to all, except the person who actually fired the shot, were promised, I think the effect must be good.

"I have, &c.

(Signed)

"BANDON."

When such have been the results of Orangeism in the yeomanry, it does not in the least surprise us that such exertions should have been made, to introduce into the army a system from which fruits so precious have been derived.

in order not to exhaust our readers with the repetition of the same excesses, we shall close this head of our division, with a brief narrative of the incidents which took place at Dungannon, when the great Protestant meeting was held, to congratulate the King on Lord Melbourne's dismissal. Here the Orange Society was employed for the accomplishment of a political purpose, and in what light it displayed its character and genius, it is worth while to ascertain. We extract the account given of this meeting, by the Inspector-General of Police, Sir F. Steven.

" 4563. (*Irish Report.*) It appears that the meeting was convened by the Earl of Caledon, as Lord Lieutenant of the county, in consequence of the following requisition. 'We, the undersigned, request your Lordship will convene a meeting of the county at Dungannon, as soon as possible, to address the Throne in support of His Majesty's prerogative.'

" 4564. Did you attend the Meeting?—I did not attend it; but I lived within fifty yards of the town of Dungannon.

" 4565. Are you aware whether a number of placards were circulated immediately previous to the meeting, similar to one now shown you? [A paper being shown to the witness.]—Yes. I have heard that many hundreds of them went out of Dungannon in one night after Lord Caledon had convened the meeting.

[The placard was as follows.]

" Protestants of Tyrone, will you desert your King? No; you will die first. The King, as becomes a son of George III., has spurned from his council the men who would have overturned the most valued institutions of your country, and would have led your monarch to a violation of his coronation oath. Your sovereign has done his duty, will you abandon yours! If you will not; if you will support your king as honestly as your king has supported you;—if you will maintain the liberties which your fathers purchased with their blood, you will be found at the great Protestant meeting, to be held in Dungannon, on Friday, 19th instant, at twelve o'clock, and your cry will be—the King and Constitution, the Altar and the Throne.

" 4566. Is that the one that was circulated?—Yes; that is the one that was circulated through the country; I have said in my report that sixteen emissaries were circulating that placard.

" 4567. Giving a new character to the meeting?—Yes; I had a long correspondence with Lord Caledon upon the subject, and I happened to find out upon the 11th or 12th, and I wrote to Lord Caledon to say that I found that he had been completely deceived, that it was to be any thing but a meeting of no party, that there would be plenty of party there, as I had got information.

" 4568. Was it your notion that it would be an Orange meeting?—Yes; I should say an Orange meeting, if you like so to call it.

" 4569. There is before the Committee a copy of a letter from you to Sir William Gossett, dated 21st December, 1834: 'Sir, I have the honour to transmit, for the information of the lords justices, the Report of chief constable Duff, detailing the occurrences which took place in this town at the county meeting, held on the 19th instant, by which it will be seen that the Orangemen



bore a most conspicuous and indecorous part, although I have good reason to believe that the more respectable portion of the assembly used every persuasion to prevent the display, but without effect.' Will you state what has reached your knowledge with reference to that meeting, and what you observed yourself?—I live on a very high hill that commands a view of five roads into Dungannon; all the morning large quantities of people had been coming in from all directions, particularly from the Ballygawley side, a great many horsemen. I saw one large procession of 50 or 60 horsemen, who were said to be Mr. Mudrie's tenants, and then I heard drums coming; I took a spy-glass, and I could see them a long way off, and I saw three separate Orange processions with two flags each, very large flags, like the ensigns of a regiment, drums and fifes, and playing 'Protestant Boys,' and all those sort of tunes, and then they came in from three different parts, and one of them passed close to the back of my house, and then again by going to the gate of my house I could see into one of the principal streets of Dungannon; I saw them march down the street, I did not go into the town myself; I was determined that I would not have any thing to say to it in any way. About twelve or one o'clock I saw Lord Abercorn's tenantry come in close under my window.

" 4570. Were they decorated?—No; there was Lord Hamilton or the Marquess, I do not know which, and they had Orange pocket handkerchiefs.

" 4571. Many of them?—One or two at the head, and white horses.

[A Paper was shown to Witness.]

" 4572. Does the paper now shown to you contain a copy of a letter, addressed to you by Mr. Duff, your chief constable, dated 20th December 1834?—It does.

[The same was delivered in, and read as follows:]

" 'SIR,

" 'I HAVE the honour to report, that in pursuance of a requisition to Lord Caledon, to convene the county for the purpose of addressing the King in support of his prerogative, a county meeting took place in this town yesterday, the 19th, at which about 3000 persons assembled; the principal part of whom, contrary to his Lordship's expectation, marched in regular procession several times through the town, as also past the hustings, with scarfs, flags, music, playing party tunes, and firing shots. About 3 P.M. the meeting was over; when, from that hour until late, they continued leaving the town in the order before described; and though no actual riot took place, still I feel myself called on to remark, that nothing could possibly be worse than the taunting and irregular conduct of the Orangemen going home, by their continued firing in the streets. The police were, at an early hour, placed so as to identify those who appear in procession, a return of whose names, as leaders, I have the honour to annex: the speakers were Lords Caledon, Belmore, Abercorn, Corry, Hamilton, and Alexander.

" 'I have, &c.

(Signed)

" 'DAVID DUFF, Chief Constable.'

" 4573. Is that a correct report?—Yes; two or three of the gentlemen called upon me, one of them a clergyman, with very strong opinions. I went to the gate with him, from which I could look down the street, and they were hurraing and drinking at public-houses, and shots firing in all directions; and I walked up and down before my house, and certainly, to my great surprise, a shot came within a yard of me, close by my ear, and struck the house:

" 4574. Did you observe whether it struck the wall of your house immediately behind you?—Yes.

" 4575. Do you take for granted that the shot was fired at yourself?—Yes; I do not say that they wanted to kill me, and it was a very long distance that it was fired from.

" 4576. Had you any reason to apprehend mischief at that meeting, from any intimation made to you or to any other person previous to that meeting?—No; I was very much surprised at this shot, and I went down to the magistrate who lived within a hundred yards of me, where the Orange flags and things were standing close to the magistrate's door, at a public-house opposite; and I went to Mr. Murray, and said, 'Why, Mr. Murray, you may call this keeping the peace of Dungannon, but I never saw any thing so bad in my life; I have just been shot at; if you do not stop this firing, I think it is the most disgraceful thing I ever saw.' However, the firing was not stopped, but I was a good deal surprised at the shot; because, though I do not conceal my ideas upon this subject, I have never made myself offensive, I believe; but the following Sunday, a lady, the wife of the chief constable, Mr. Duff, went to church; she had not been to church the previous Sunday, and when she opened the prayer book, a paper dropped out, and she saw it was a curious sort of thing, and she gave it to Mr. Duff.

" 4577. Have you the paper here?—I have; Mr. Duff looked at it, and saw what it was, and put it into his pocket, and brought it to me, and asked what he should do with it; I said, as to myself I did not care, but it was a most disgraceful thing to put a threatening notice into a church, particularly into the cover of a lady's prayer book, and this is a copy of it: 'Sir,—As this is the last day to be in this rotten town, I send you this advice, tell Robinson that he and that damned scout Strong will do very little on Friday at the Protestant meeting; that Duff and Sir F. Stoven had better stay in the house, or they may get an Orange ball which may cause them to stay at home on the 12th July. Tell Duff that he and Strong, that they will not be able to stop the meeting, nor the walking on the 12th; tell them to \* \* \* \* \*. I remain your's, something, Dodd, Amen.' This was clearly put into the prayer book the Sunday before, but it was not found in consequence of Mrs. Duff not having gone to church till the following Sunday. I said he might do what he pleased with it, and he sent it to the primate; what was done I cannot say, but I believe Mr. Horner, the rector of Dungannon, took some pains to endeavour to find out the author. But Mr. Duff, by my advice, sent it to Mr. Jones, the secretary of the primate, and this is his answer: 'Dear Sir, I cannot say how greatly the primate was shocked at the disgraceful notice put into Mrs. Duff's prayer book; his Grace has written to Mr. Horner to use all the means in his power to detect the person who placed it there; I write in a great hurry,'—but what was done I do not know.

" 4578. But the author of it was not found out?—No.

" 4579. Had you ever before reason to suppose that the Orangemen had any spite against you?—No; I never came into collision with them, except in this instance at Dungannon, where I happened to be living.

" 4580. Have you heard that Lord Claude Hamilton was made an Orangeman at that very meeting?—Yes, it is notorious.

" 4581. Had you any particular account of it?—No; I had no account of his being made an Orangeman, except that I knew he was made one in the afternoon of that day, about three o'clock.

Well, what will the advocates of Orangeism say to all this,

and of all this, what will any honest Englishman think? Have you, who peruse these pages, and who have read, not our commentary on the facts, but the statement of the facts themselves, given with simplicity, and with undisputed and indisputable impartiality, not by Irishmen under the influence of party feelings, but by an Englishman perfectly indifferent, and employed in an official capacity by the conservative government,—have you, we say, who read these recitals, considered all the variety of outrage which they detail, and reflected on the wretched condition of the country, in which such atrocities have with impunity been committed? A notice of assassination is served in the house of God—it is left in a prayer book, couched in phrases, part of which decency has compelled us to omit—it is followed by an exhibition of outrage, in which thousands appear, with all the offensive insignia of their detestable confederacy, and at the close of the scandalous scene, faithful to his warning, the writer of the sanguinary admonition, discharges his musket at the inspector general of the constabulary force. You are surely disposed to exclaim, at the perusal of this narrative, “abominable and detestable!” at almost every incident which it contains. Yet, ~~scandalous as~~ all that you have read appears, a fact remains to be stated, in which we forbear from all comment, because for itself with a melancholy force it strongly speaks.

Will it be believed, after Lord Claude Hamilton was made an Orangeman at a public-house, under the circumstances which we have detailed, he was made *a magistrate of the county of Tyrone*!! Against Lord Claude Hamilton, as an individual, we make no charge: he may be the most impartial man alive, but we ask “was this well done?” in the name of that justice, which not only above all impunity, but above every surmise, ought by every wise and honest government to be exalted?

We pass to the consideration of the effect of the Orange Society on the administration of justice. If we had no facts to rely on, yet, from the constitution of the society itself, the inference would be irresistible. Orangemen are bound to lend each mutual aid; and we find the following rule printed in the year 1835, under the head “general rules.”

“Any member of the Orange Institution, who shall print or circulate any-

thing connected with the institution, affecting its character, or the character of any of its members, without the sanction of the Grand Lodge, or of the Grand Committee, shall be expelled by the Grand Lodge."

These being the obligations and liabilities of Orangemen, place twelve of them in a jury-box, and, in a party case, what will be their verdict? But let us, from conjecture, turn to the facts proved before the committee.

If the Grand Lodge of Ireland should pass resolutions to advance money, in order to defend or prosecute, it seems tolerably plain, that, on the minds of Orangemen, that interposition cannot fail to be attended with some effect. That they have done so, is established by their own records. Take the following resolution, in page 77 of the Appendix to the Irish Report.

"That a sum of £.10 sterling be placed at the disposal of brother M'Neale, for the purpose of defending an Orangeman, at present in the gaol of Dundalk."

The name of this Orangeman is M'Beith. He was prosecuted by the Crown, for having stabbed and killed a Catholic, with an oyster-knife, was convicted of manslaughter, and sentenced to two years imprisonment, by Mr. Baker.

"2944. There was £.10 voted on the 26th of June, 1844, for the families of men convicted of riot in the town of Newry?—The money was advanced after they were convicted:—there was an appeal to the Protestants of Ireland, and a subscription made of nearly £.300, to which the Grand Lodges gave £.10."

These rioters were sentenced to sixteen months' imprisonment.

Mr. Ward is the solicitor to the Grand Orange lodge. We copy the following extract from his evidence.

"2553. Were you at the last Cavan assizes?—I was.

"2554. Were you sent there by the Orange body?—I was.

"2555. Will you show the committee the resolution upon which you were sent down?—I cannot.

"2556. What was the date?—I do not recollect the date; it was referred to a sub-committee that had the control of it; and I believe you will find a resolution on the books referring it to a sub-committee. If the committee wish to see the case, with the opinions of two eminent counsel thereon, I have brought it to London, and I will produce it the next day.

"2557. What were the Orangemen charged with?—They were charged with walking in procession.

"2558. Were any of them found guilty?—No; I advised them all to submit. My principal business at Cavan was to prosecute the magistrates for a violent assault and false imprisonment of a person not an Orangeman.

"2559. On behalf of the Orange body?—On behalf of the Orange body.

" 2560. Who were the magistrates?—One was Mr. Williams, a particular friend of my own, and one a police-constable of the name of Fox.

" 2561. Did you prosecute them?—No; the grand jury threw out the bills.

" 2562. But they found bills against the Orangemen for walking in procession?—Yea."

Having shown the direct interference of the Orange Lodges in the administration of justice, let us see how that society has operated, and what effects the passions which it generates have had upon its members in this regard. The Reverend Mr. Brydgc is a Presbyterian clergyman; he had been induced to promise an Orangeman, named Richey, to give evidence in his favour upon a prosecution; that evidence he afterwards refused to give, and a body of Orangemen assembled, closed up his chapel, and in despite of a resolution of the Presbytery, refused to permit him to officiate, and thus deprived him of his profession, and of his bread. But this, an Englishman will exclaim, "is impossible." We shall give the proofs. We quote the following from the evidence of Mr. R. Bell.

" 6747. Was Richey tried for this murder?—He was, and convicted, and executed.

" 6748. Did you ever hear that there had been an effort to obtain from a clergyman a character for Richey, with a view to save his life?—I did.

" 6749. What clergyman?—Mr. Brydgc; he was and is my clergyman.

" 6750. Is he a Presbyterian clergyman? He is a seceder; a member of the Presbyterian Synod of Ulster.

" 6751. What is the name of his congregation?—Castle Caulfield.

" 6752. Did he refuse to give that character?—He did refuse; but I understood he first gave a character to the young man, supposing he was leaving the country, and then they came with a written character, requesting him to sign it, stating his innocence, and he said, No; I thought the young man was going out of the country at the time I gave you the character, and I have reason to believe now that he is not innocent, therefore I cannot give you the character by any means.

" 6753. According to your evidence the Rev. Mr. Brydgc refused to give a character to be used in a court of justice for this person?—He did.

" 6754. He had given a character, prior to that, with a view to his leaving the country?—Yes; at the time when, perhaps, he did not know that he was guilty.

" 6755. Did the Orangemen attack, in any manner, the Rev. Mr. Brydgc for refusing to give that character in favour of Richey?—After the execution of Richey I went to the meeting-house to sermon; I had not been at home, I had come from Dublin by Dungannon on the night before; on going to the meeting-house, I did not know Mr. Brydgc was not to be there, but there was a young man sent there as a probationer; they raised a great cry against Mr. Brydgc; I said I was very sorry for it, but it would have been much worse to have executed Richey without a fair trial; that they were going to destroy Mr. Brydgc without hearing his defence; I said I hoped they would hear his defence before they

convicted him ; that there was no man more ready to oppose him than I would be if there was any thing improper to be attached to his character."

On the succeeding Sunday, another scene of outrage took place, at which Mr. Bell says—

" They threatened him ; they came into the meeting-house yelling, and shouting, and threatening him when he was in the pulpit, and ordered him from it, and he remonstrated with them, and begged of them to hear him in his own defence ; and if they did, that he was certain they would all give him credit for what he had done ; for that he had acted conscientiously, that he was afraid of doing harm to the young man, and they would not hear him."

The evidence then runs as follows :—

" 6795. Have you fully related what occurred on the second day ?—No, not fully.

" 6796. State all the important circumstances of that day ?—I went so far as my going for a magistrate ; he came and remonstrated with the people, and they would not attend to him by any means. They said, ' Away with him ; ' they said they would not suffer him there ; that they would have neither trial nor any thing else ; but put him away, in consequence of his not supporting this man : then after leaving the place they were likely to trample us down, Mr. Brydgc and his friends, but we escaped on that day. I suppose I need not take up the time of the Committee in stating a number of particulars that I cannot be precise about, but the rage of the Orange party was such, that we could not stand before them at all, nor could we be heard. When Mr. Brydgc called a meeting of the Presbytery, the only authorised body to investigate the matter which was complained of, they *pulled down several seats in the meeting-house, and destroyed part of the pulpit and windows.* There were clergymen of the *Established Church attended and took a part in it ;* the rector attended.

" 6797. That circumstance of which you are now speaking, took place after the transaction to which you have before adverted ?—Yes, some time after.

" 6798. Was there a meeting of the Presbytery called ?—There was ; there was a third day, and there was a great number of Orangemen came there with their colours, and some of them with flags and their colours up, to show themselves as Orange bodiea. They came from different parts in procession.

" 6799. There was a meeting of the Presbytery after the sabbath ?—It was subsequent to the third day I have mentioned.

" 6800. At what place ?—At Castle Caulfield.

" 6801. At what period of time after the second meeting was the third ?—It was eight days.

" 6802. The first day was the first Sunday after the execution on the second ?—Yes, on that day fortnight was the third ; there was a great number of men came there in procession ; Orangemen.

" 6803. Came where ?—To the meeting-house, and stood opposite the gate.

" 6804. Was there a meeting called by public notice of the Presbytery ?—There was, but that was subsequent.

" 6805. What number of Orangemen were there ?—There were above 1000, I calculated so at the time.

" 6806. Was there a meeting called ?—There was not a meeting called on that day ; I will give the transactions of that day in a word or two. I went to the meeting as usual, and the gates were shut, and there were men with red coats, as well as my memory serves me ; I think they had arms.

" 6807. Were they yeomanry?—I think they were yeomanry coats.

" 6808. You believe that those red coats were yeomanry coats?—Yes; and there was a man of that description, whom I understood to be brought there to assassinate Mr. Brydge. We could not get into the meeting-house at all; the party were very violent; the pretext was, their going to church that day. The church was very convenient to the meeting-house, but the church people were coming out before I went away, and there were very few went to church.

" 6809. Were they decorated?—They were, a number of them.

" 6810. Had they music with them?—I think they had, I know they had flags.

" 6811. You are not sure whether they had music?—No, I am not.

" 6812. Do you recollect the day of the execution?—It was in August 1827, or the beginning of September; I cannot say to a day.

" 6813. By red coats, you mean red uniforms?—Yes, it was part of their dress; there was a big coat over some of them.

" 6814. Had you seen the yeomanry in their dress before?—Yes.

" 6815. Was it the same sort of dress that the yeomanry are in the habit of wearing?—I saw one coat in particular that was a yeomanry coat, and the man had coiled his coat round him, and I think he had something concealed.

" 6816. Did you see any arms that day?—I did not see any.

" 6817. Did you learn from any, and what source, that they were armed on that day, or that arms were in the neighbourhood for the purpose of being used?—Yes; and they threw stones at Mr. Brydge going home.

" 6818. Did they injure him?—No, I believe he escaped very narrowly; I was not on the spot, but a person who was with him told me of it."

So much for the punishment of a clergyman, for perhaps refusing to perjure himself on behalf of an Orangeman.

Our object being to state facts, and not to make comments (and of what comments are these outrages susceptible?) We proceed to another incident. Mr. Hancock is a magistrate of the county of Armagh, and because he had the virtuous boldness to take informations against, and commit Orangemen for walking in procession, we select from the Appendix to the second Report, page 180, the report of David Patton, chief constable of police.

" Sir,

*Portadown, July 24, 1833.*

" I have the honour to report that on Wednesday the 17th instant, I received a warrant from Mr. Hancock, J. P., to apprehend fourteen persons charged by the police with illegally marching in procession on the 12th of July, the anniversary of the battle of the Boyne. These persons were all apprehended and lodged by me in the county gaol the following day, and at the assizes for this county, which commenced on the 18th instant, they were indicted for a misdemeanor before Judge Moore, who charged the jury in favour of a conviction; but the jury found only three of the fourteen persons who were arraigned, guilty, on the grounds (as I understood) that these individuals had been cautioned after the 1st of July by a magistrate, against such proceedings; and they acquitted the others, because (as I have heard) that a caution had been read to them on the 12th of July, warning them of the penal consequences of such illegal processions; the

three persons who were convicted have been allowed to stand out on bail, until a point raised by their counsel shall have been decided by the twelve judges; the occurrences which led to this trial having happened in this district, I feel it my duty to take the earliest opportunity of laying the result, with all the circumstances attending it, fully before you.

" I regret exceedingly to have to report that the persons who were acquitted, and who reside in the town and vicinity of Lurgan, fourteen miles distant from the assize town, were joined on their return home yesterday afternoon by a great concourse of persons, with music playing party tunes, and some of them decorated with orange sashes and ribands; on their arrival at Lurgan the procession was very large, and instantly bonfires were lighted in several parts of the town, which was now crowded; a tar-barrel was also ignited and carried through the streets, and at last laid down before the door of Mr. Hancock, the committing magistrate: they then commenced breaking several panes of glass in the windows of this gentleman's house; and only that there happened to be a military party in Lurgan on their march, and who were about to be called out, and which had the effect of causing the mob to desist, Mr. Hancock informs me, he is of opinion his house would have been seriously injured. Mr. Hancock had the police stationed at Lurgan at his house during the evening, but he did not consider it prudent to attempt to act with a small police force against a highly excited multitude.

" I have been at Lurgan all the morning, and I am happy to be able to report that all is now quiet, and that I do not apprehend any repetition of the proceedings of yesterday evening, although the minds of the population of this part of the country is much excited, in consequence of the late arrests and trial of the Orangemen. Should any thing further occur, I shall report the circumstances promptly to you.

" I have the honour to be, &c.

" Sir WILLIAM GOSSETT,  
" &c. &c. &c."

(Signed)

" DAVID PATTON,

" Chief Constable of the Police."

Mr. Hancock was burned in effigy, and Dean Carter, a magistrate, appears to have been present. Mr. Hancock, on his examination before the Committee, read the evidence of Mr. Brownlow, given by him on the inquiry relating to Janderagee. It is in these words:—

" I am a magistrate for Armagh; I saw Mr. Hancock when the examinations were taken at Lurgan; we told the men who were brought up that we were anxious to take their bail; they declined giving bail, and we had to send them to Armagh gaol in consequence; I did not witness any diversity of feeling on that occasion; the feeling was nearly universal; the proceeding had the appearance of being particularly unpopular with the Orangemen of the county: after the assizes ended in Armagh, I returned to Lurgan; when I returned, I saw the first demonstration of feeling at Portadown church, where an orange flag was hoisted on the church; I met Colonel Blacker; I proceeded to Lurgan, and saw a flag on that steeple also; there were several persons at the toll-gate; I passed on without receiving any notice; guns were firing during the time, flags were flying, and the noise was heard of the assemblage of large bodies of people; a large assembled multitude during the whole night; I saw marks of fire before Mr. Hancock's door the next day, and his windows were broken; I do not say



any such thing as that the whole Protestant population had the same feelings on the subject; I should be very sorry; I should hope a very large portion had not; but as far as I saw on that occasion, it was a feeling condemnatory of the conduct of Mr. Hancock and myself; I think burning a magistrate in effigy is calculated to bring the laws and the vindicators of the laws of the country into great disrepute; and if something is not done to prevent such a proceeding, it will be in vain for the magistrates to assert or vindicate those laws."

Two cases more with respect to the conduct of Orangemen in the public tribunals we shall quote, and conclude this head of our division. Lord Gosford gives the following account of an incident, which occurred at Armagh.

" 3562. There were some Orangemen tried for walking in procession at the last Armagh assizes?—There were.

" 3563. Some of them pleaded guilty, and expressed their regret for having violated the law?—So I understood.

" 3564. Three of them refused to make any acknowledgment of their offence or deprecate its punishment, did they not?—I did hear of one or two. I cannot recollect the number, but such a circumstance did occur.

" 3565. Baron Pennefather was the judge upon that occasion?—I believe he was.

" 3566. Did not Baron Pennefather call upon those three Orangemen to make some atonement and apology for their offence?—I believe they were called upon, I understood, to say whether they were guilty or not guilty, and they refused to plead guilty.

" 3567. Is your Lordship sure those persons were Orangemen?—They were tried for walking in an Orange procession. I understood they were Orangemen.

" 3568. Did your Lordship receive a letter from a member of the grand jury at those assizes, informing you that these three Orangemen, when the judge called upon them to apologize for their offence, sung the 'Protestant Boys' in open court?—They whistled, as I understood. I heard that they wheeled about, and whistled some party tune. I had such a letter from a grand juror.

" 3569. You have no doubt of the fact?—I have none. I think it also but fair to mention, that I did hear, though it was not in the letter, that the man who whistled was drunk, but I am stating that from hearsay."

Baron Pennefather sentenced these men to three weeks imprisonment. Their having been drunk, has been urged as a mitigation of the outrage committed in a court of justice. Let us see how Orangemen deport themselves when they are not intoxicated with wine, or fermented liquor, but by that ardent spirit of ferocity, under whose influence they have enacted the abominations of which we have given a faint but not inaccurate outline.

In page 247 of the Appendix in the Maghera case, an account is given of a scene that took place at the Quarter Sessions at Magherafelt.

" Upon a very particular examination of the transaction that took place on the day and night of the 12th, and on the information of James Farrell, a Roman

Catholic, whose house was burned, the magistrates decided on committing to prison the following persons, charged with the burning of said Farrell's house; viz., Bartley Kennedy, Daniel M'Peake, William Boyd, John M'Neill, all of Bellaghy: William Magree, David Dixon, of Drumlamph; and Jonathan Monaghan, of Old Town.

"Mr. Knox, as chairman of the magistrates' meeting, made known the decision; the court-house was crowded and filled with Orangemen, some of whom attended on account of the investigation, and others who were attending the funeral of an Orangeman that day at Magherafelt. A cry of rescue was raised before Mr. Knox had finished explaining the decision of the magistrates, and a great body of persons rushed towards the dock to enlarge the prisoners, and forced open the door. Mr. Crossley jumped into the dock, and put himself, with the police, between the prisoners and the rescuing party, and swore the prisoners should not be rescued; however, as it appeared to the magistrate to resist would be vain, the prisoners were rescued. But it is right to say that the prisoners, or the greater part of them, endeavoured to prevent the rescue, and those that were set at large came back and surrendered themselves. Those that the magistrates refused bail for were committed to prison, and the others have given bail.

"Informations have been sworn to as to the rescue, and several persons charged have been arrested and given bail.

"With respect to the meeting of Orangemen in Maghera in the morning, Mr. Crossley made an information. By the desire of Mr. Knox, he went up to a party of Orangemen assembled round a flag, and required them to disperse; they said they would not, and one of them produced a document in a *frame, and glazed, which he said was the warrant and authority for them to meet*; Mr. Crossley took the warrant in his hand, and it was immediately snapped away by some of the party; Mr. Knox then came up and read the Riot Act (this was the first time the Riot Act was read for the day). Mr. Crossley recognised, before and after the Riot Act was read, William Orr, Joseph Sloss, William Porter, and a man named Moor; the names are mentioned in Mr. Crossley's information, and it is also stated, that he saw three of them, viz., Sloss, armed with a pitchfork, Orr also armed, and Porter with an Orange pole. It appears that on the night of the 12th July, the magistrates at Castle Dawson, Mr. Hunter and Mr. Sheil, assisted by the military, took several stands of arms from the Orangemen, which were delivered to Mr. Crossley, who deposited them in the bridewell of Magherafelt, and had them locked up in the cells.

"It appears that Mr. Hunter, at the time the arms were taken, made a promise to the Orangemen that he would return them to the owners.

"At the time of the rescue in the court-house of Magherafelt there was a general cry through the court that the arms should be given up; and upon consultation amongst the magistrates, and that feeling resistance would lead to bloodshed, and that the arms would be taken by force, the police force present not being sufficient to resist the mob that seemed determined to take the arms, and because the magistrates wished to act, or appear to act, upon the promises made by Mr. Hunter, that the arms should be given up, it was agreed that they should be returned; and they were then taken away by the Orangemen, who proceeded through the street, firing shots, beating drums, and colours flying."

In the above account, many extraordinary circumstances are detailed; in a court of justice, never perhaps was there a

scene of greater atrocity performed—the ferocious rescue of the prisoners—the call for arms—the restoration by the magistrates, under the influence of terror, of the weapons with which these desperate and banded men had perpetrated their crimes—these are indeed remarkable features in this transaction: but amongst all the incidents which are described, none strikes us so much as the exhibition of a warrant “in a frame and “glazed,” which the Orangemen declared to be their authority to meet. In the document from which we quote, the following observation is made:—

*“It appears that the Orangemen were disposed to resist the authority of the magistrates, and that they considered that their warrants to assemble and hold Orange Lodges, authorised them to meet and march in procession, in opposition to the magistrates’ authority.”*

Let this be marked. A law is enacted against processions—of that law proclamation is made by the government—the magistrates exert themselves to enforce it. To that law the WARRANT—the authority of the Orange Society—is opposed, and by that authority the law is defeated and overthrown. What was exhibited by the Orangemen in their march through the country? Did they content themselves with flags and standards, and the ordinary emblems of their association? Not satisfied with the usual accompaniments to their riotous perambulations, they had their warrant “framed and glazed,” and to the magistrate who called upon them to desist, made an ostentatious and insolent display.

It may be insisted by the advocates of Orangeism, that this was a solitary instance in which the WARRANT was set up against the law. We shall set all doubt on that point at rest, and cite the evidence of Mr. Sharman Crawford, the member for Dundalk, a gentleman of very large property and of high personal consideration. The Government, on the 10th July, 1829, had issued a proclamation, to prevent Orange processions. Mr. Sharman Crawford swore an information respecting the circumstances which followed the issuing of that proclamation, and produced it before the Committee. The following is his evidence:—

“4313. Do the informations contain a narrative of the entire transaction?—They do: after stating the instructions I received from Colonel Ward, I state, ‘Agreeably thereto, informant attended at Crossgar, on Monday, the 12th of July; found there a party of constabulary, consisting of twelve men, commanded by Fielding Givcen, Esq., chief constable. Informant first caused an arch,

which had been erected in the village, to be taken down; informant then detached a party of four men with Mr. Giveen, to take down another arch erected at the Cock public-house, about a mile distant from Crossgar. Mr. Giveen reported on his return, that, from the threats and violence of the persons assembled, he did not think it prudent to attempt the removal of said arch. By this time, the Orangemen had assembled to the amount of large numbers, in procession, with fifes, and drums, and colours; some individuals in the procession carried short poles, with halberts or pikes on the ends of them; in some cases, drawn swords were carried by persons at the head of the lodges. A few pistol shots were fired, apparently loaded with powder, and a determined disposition was exhibited to resist the civil power. Informant met some of the first lodges, and stopped them, and read to them his Grace's proclamation, and commanded them to disperse, but without effect. Informant then attempted to stop other lodges for the same purposes, but no attention would be paid. They forcibly marched on, apparently defying the civil power. Informant then dispatched an express to Downpatrick, for further assistance. In the mean time, informant procured the attendance of Mr. Hugh Taylor, junior (denominated district master of Saintfield), and a few other masters of lodges, in a house, and read to them his Grace's proclamation, and commanded them to disperse, and stated every consideration in his power to induce them to do so. They treated the communication with respect, but said they had warrants for marching, bearing the authority of Government; and that they considered themselves justified in marching until these warrants were withdrawn. They produced to informant some of these warrants, bearing, as well as informant recollects, the signatures of His Royal Highness the Duke of Cumberland, Lord Enniskillen, and some other individuals. Informant endeavoured to impress upon them that they were acting under a wrong impression, but without effect, in saying that I found they were under this delusion, which I ascertained, by further communication with them, that the Duke of Cumberland's name being attached to the document, was an authority equal to that of the Government of the country, or greater. I argued the point with them; they stated to me that the Duke of Cumberland is a greater duke than the Duke of Northumberland. I attempted to remove this delusion, but without effect; though they said they had a warrant from Government, it appeared, when I came to investigate it, that they had no warrant from Government, but those warrants.

" 4342. Was the person to whom you spoke, who showed you the warrant signed by the Duke of Cumberland and Lord Enniskillen, the owner of the public-house?—No; it was either Mr. Hugh Taylor, or some of the other masters of the Orange body. Mr. Hugh Taylor is the son of a very respectable gentleman; a person in the middle order of life, living in the immediate neighbourhood of Crossgar.

" 4343. Did Mr. Taylor treat the authority he had, which, according to your recollection, was signed by the Duke of Cumberland and Lord Enniskillen, as of equal, if not greater, authority than any you derived from the Duke of Northumberland?—The master of the Orange body with whom I communicated did; I do not say that he did in particular.

" 4344. It was observed by some of the party that the authority which they had was as great, if not greater, than that which you had?—Yes.

" 4345. You were then in the King's name, as a magistrate, executing your duty?—Yes.

" 4346. And you were informed that the warrant which they had, gave them

authority greater than your's ?—Yes, I recollect their stating their warrants to be signed by the Duke of Cumberland, whereas mine was signed only by the Duke of Northumberland.

“ 4347. The Duke of Cumberland being the brother of the King, though the Duke of Northumberland was the viceroy, and representing His Majesty ?—Yes.

“ 4348. The individual being of higher rank ?—Yes.

“ 4349. When you explained to them fully, and used all the considerations in your power for the purpose of inducing them to obey the laws, did they yield to your remonstrances ?—No ; my information states that they persisted for two or three hours ; and I was in that position, that not having sufficient force, I thought it would be very imprudent in me to take any measures forcibly to disperse the mob.

“ 4350. They were assembled in thousands ?—Yes.

“ 4351. The leaders with swords ?—Yes.

“ 4352. Many of them ?—I do not say there were many of them with swords ; the impression upon my mind is, that every lodge had somebody with a sword drawn at the head of it.

“ 5994. When the Orange district masters assembled in a public-house at Crossgar, they showed you a warrant signed, as you recollect, by the Duke of Cumberland, as grand master, and by Lord Enniskillen, as deputy grand master ?—I cannot say to the particular offices they held, but I presume it was so.

“ 5995. Did you state to them that you were a magistrate clothed with the authority of the executive, and call upon them showing the proclamation to disperse ?—I did so.

“ 5996. Did you do all in your power to impress upon them, that it was their duty, as loyal subjects, to yield to your authority as a magistrate ?—Yes ; I used every persuasive means I could.

“ 5997. Did you succeed ?—No.

“ 5998. Did they say that they had an authority superior to your's ?—Yes ; that was what they said.

“ 5999. Did they say so, handing you a warrant signed, as you recollect, by the Duke of Cumberland ?—Yes ; I think there was more than one warrant ; I think there were several warrants shown to me.

“ 6000. You mentioned one as having particularly read it ?—I think they showed me more than one that had the same signatures.

“ 6001. Upon what notion do you conceive they founded that opinion of their's that their authority was superior to your's ?—Because the Duke of Cumberland was the King's brother ; I do not know that they used those words, but that was the notion.”

And who that reads the rules and regulations of the society, can find any difficulty in accounting for the “ supersedeas ” of the law, which the authority of the Duke of Cumberland had thus effected ? To His Royal Highness, and the part which he has taken in directing the affairs of the institution (passing to the consideration of the use made of the society as a political engine) we invite the reader's attention.

From page 8 of the Report made by the Committee in Orange

Lodges in Great Britain and the Colonies, we extract the following finding:—

“ By the laws and ordinances of the Loyal Orange Institution, the Grand Master of the Empire is the chief and supreme head; his office is permanent and uncontrolled; no particular functions or duties can be prescribed to him, as his powers and authority are discretionary, illimitable, and absolute; and, to him, the honour and welfare of the institution are implicitly confided.

“ It is declared in the report of the Grand Lodge on 13th February, 1834, ‘ That implicit obedience to the commands of the Grand Master, due subordination to the Grand Lodge and the constituted authorities, and unreserved conformity to the laws and ordinances of the institution, are duties imperative on Orangemen.’

“ HIS ROYAL HIGHNESS ERNEST AUGUSTUS, DUKE OF CUMBERLAND, is now the Grand Master of the Empire; being equally the supreme head of the Loyal Orange Institution in Great Britain, and of the Grand Orange Lodge in Dublin: thus connecting all the Orangemen in the United Kingdom and the Colonies.”

The Orangemen of England presented an address to the Carlton Club, setting forth their principles and their means of accomplishing the objects, of which they intimated enough, to allow the rest to be readily understood. From that address the Committee extract the following passage:—

“ ‘ It (the Orange Institution) is governed by a grand master, the first prince of the blood, who, with the aid of noblemen and gentlemen, eminent for loyalty, wisdom, and sound discretion, will be able (when the institution shall become more extensively ramified) to muster, in every part of the empire, no small portion of all that is sound in the community, and thus present, in every quarter, a phalanx too strong to be overpowered by the destructives, which will give a moral as well as a known physical strength to the government of the King, and will enable it to set at defiance the tyrannous power that has been so madly called into existence.’ ”

The Committee observe:—

“ Your Committee submit that such publications indicate the importance which is attached to the increase of numbers in the Orange Institution with the view to the effects likely to be produced by a display of physical force.

“ In the printed proceedings of the Grand Lodge, 4th June, 1833, the Duke of Cumberland is reported to have stated, that ‘ if the Grand Lodge have not confidence in the Grand Master it is better perhaps that I should know it; but if it have confidence its members must be aware that it is my wish to simplify the proceedings of the institution as much as possible. ‘ Individual opinion is not to be consulted upon vital and important arrangements, involving the welfare and best interests of the institution.’

“ It must always be kept in mind, that the power of calling out the members of all the Orange Lodges in Ireland rests with the Grand Master and his deputy, on the application of twelve members of the grand committee; that the same person is Grand Master of Great Britain and of Ireland, having the same powers, which are stated to be uncontrolled and arbitrary, of bringing together large bodies of armed and unarmed men, to make a demonstration of physical force which might prove highly dangerous.

The Orange institution, whatever the inferior classes of such fanatics may be taught to think, is intended by those, who have displayed so much vicious ingenuity in forming it, as a political instrument to be used for the purpose of obtaining and securing a masterdom in the state. While the leaders of the society indulge their followers of the lower order, in processions, and parades, from which the ignominious gratification, of insulting their Catholic neighbours while they cry, "to Hell with Popery," is derived; they are themselves engaged in the loftier enterprise of gaining, through the organisation of that vast mass, over which they exercise a sway, an ascendancy in the country. We find them accordingly interposing in elections, directing their confederated vassals, to adopt, or to oppose, particular public measures, and endeavouring throughout to gain that control over the government, which it seems evident, is the great end of this extraordinary institution.

In the reports before us, we find extracted from the proceedings of the Orange Societies in both countries, a series of resolutions and addresses, by which a constant interposition in every great political question is proved. The Irish Orangemen recommended that petitions against Catholic emancipation from every county, city, borough, and parish, should be got up:—again they resolved,

" 5th May, 1832.

" That circulars be forwarded to the several masters of the Orange Lodges in Ireland, requesting them to procure petitions from their several lodges to both Houses of Parliament against the new Irish education system, also against the Irish Reform Bill, and to forward them without delay to the Right Honourable the Earl of Roden, House of Lords, London, endorsed 'Parliamentary Petition.' "

We find them expelling members from their body for their votes at elections, and when Mr. Dobbin stood for Armagh, they determined—

" 24th Dec. 1834.

" That a document be prepared, to be forwarded to the Orange electors of the city of Armagh, calling on them most strongly to support a Protestant candidate, and give their most determined opposition to the return to Parliament of Mr. Dobbin, or any other person professing the same radical principles."

But in these steps, it may be said that they did no more, than follow the example of the Catholic and other associations. Giving them all the benefit, which the comparison can supply

to those, who called for coercive bills, in order to crush their antagonists, whom they denounced for proceedings, copied by themselves; we beg to inquire, whether either the Catholic, or any other association, ever acted such a part as it has been proved, to demonstration, they took with respect to the extension of their system into the colonies, and the enrolment of the British army in that league, of which, to adopt their own expression, the *first prince of the blood* is at the head.

The utmost exertions appear to have been used to diffuse Orangeism in the Canadas. The resolutions adopted, both by the English and Irish Grand Lodges, and the correspondence published in the Appendix, set all question upon this point at rest.

The committee of the Grand Lodge of Ireland, on the 17th of November, 1831, report to the Grand Lodge as follows:—  
 “Your committee have received from America, the most cheering accounts, and the lodges now sitting there, under your warrants, emulate each other in evincing their gratitude, for the interest taken by you in their welfare.” In the Appendix to the Report of the Parliamentary Committee, page 22, will be seen an account published by the Orange Society itself, of its proceedings on the 19th of April, 1832. The Duke of Cumberland was in the chair; the following entry is made in their minutes:—

#### BRITISH NORTH AMERICA.

“IX.—With a view to extend the advantages of our excellent institution in Upper and Lower Canada—for the purpose of disseminating its principles far and wide—on the recommendation of the grand committee, whose members had examined documents and testimonials of his eligibility, the grand lodge have appointed Ogle Robert Gowan, Esq., to be the deputy grand master of all the provinces in British North America, with the dependencies, colonies, and settlements, belonging, appertaining, or adjacent thereto.”

In page 204 of the Appendix to the Parliamentary Report on the Orange Lodges in Great Britain and the Colonies, the reader will find an account of the general quarterly meeting of the Grand Lodge of British North America; we quote the following extracts:—

#### “No. XII.

##### “GRAND ORANGE LODGE OF BRITISH NORTH AMERICA.

“At a general quarterly meeting of the Grand Orange Lodge of British North America, assembled in the city of Toronto, pursuant to public notice, on Monday, the 26th day of January, 1835, Ogle R. Gowan, Esq. M. P., Provincial



Grand Master, in the chair, the following, with a variety of other proceedings, were entered into :—

" 1st. *Resolved*,—That the reports this day read of the proceedings of the respective meetings of the Grand Lodges of Great Britain and Ireland, are highly interesting and important to this meeting; and that we hail with much satisfaction the rapid progress of the institution in our father-land.

" 6th. *Resolved*,—That we deeply sympathise with our Orange brethren in Ireland, in the privations to which they were subjected, by mob tyranny and oppression on the one hand, and executive folly and forgetfulness on the other; but we trust the period of oppression has passed, and that the time has at length arrived, when their former services will be faithfully remembered, and their present principles duly appreciated.

" 7th. *Resolved*,—That an address be prepared to His Royal Highness the Duke of Cumberland, the Illustrious Grand Master of the empire, expressive of the thanks and gratitude felt for His Royal Highness by the Orangemen of British America.

" 8th. *Resolved*,—That a correct list of the grand officers, chosen at the annual meeting, be printed.

" 9th. *Resolved*,—That no warrants be held as legal, or acknowledged as in connexion with the Orangemen of Upper Canada, except such as are issued by the Grand Lodge of British North America, until after the return of the delegate from Great Britain and Ireland, military lodges alone excepted.

" OGLE R. GOWAN, G. M., Chairman."

What, it will be asked, can be the object of all this? Colonel Blacker will inform us; the candour of the following disclosures surprises us :

" 9355. Do you mean to say, that the Orangemen in Upper Canada have communicated with Ireland, stating that they are watching attentively the conduct of the English Government towards the Protestants in Ireland, for the purpose of directing them in the part which they should take, as to the defence of the province, in the approaching struggle in Canada?—Yes, I have heard it spoken of, both in my own county and in Belfast.

" 9356. Then, in point of fact, they were disposed to make their allegiance to the British Government in Canada depend upon the conduct of the Government to the Protestants in Ireland?—I do not say any thing about their allegiance; but that the conduct of the Government here would a good deal determine their conduct.

" 9357. What is the struggle to which you alluded in Canada?—The strong disposition that is stated to prevail among the French party, the anti-British party, in Lower Canada, to separate that country from Great Britain, and to throw off the British yoke.

" 9358. Do you mean to intimate, that their devotion to the British Crown, and the measure of their exertions, would in some degree be regulated by whether the British Government take part with the adversaries of Protestantism in Ireland or not?—Yes, the communication was to that effect; that it depended a good deal upon the conduct of the British Government towards the Protestants and the Protestant institutions in Ireland; of course the whole of this was hearsay.

" 9359. You have no doubt that such communication did come from many

persons to their friends in Belfast and in the north of Ireland?—I have no doubt upon the subject, from the way in which I heard it talked of generally."

In the recent debates in Parliament, disclosures as to the state of Lower Canada have been made, which prove that with respect to that colony, the utmost skill and caution are required, in order that the feelings of the great majority of the people may not be alienated from the English government: the grievances of which the Canadians complain, it was admitted required redress. The state of the bench in Canada, the mode in which the legislative council were appointed, the application of the colonial revenues, and other subjects, it was confessed, required that measures founded on a new and well considered policy, should be devised. The Parliamentary Committee on the state of Canada, were so conscious of the danger of producing irritation, that they determined to suppress the evidence laid before them. Such is the condition of things in Lower Canada; and under these circumstances, in a country where the great majority of the people are Roman Catholic, where the House of Assembly are almost entirely Roman Catholic—the Orangemen of England and Ireland, with the sanction of the Duke of Cumberland, may under his immediate direction, introduce their pestilent principles, organize Protestants against Catholics, insult the mass of the people, and to spread their doctrines, and their confederacy, into every regiment quartered amongst them, employ the most active, and we may add, their no longer clandestine exertions.

In New South Wales (a spot in which if certain of the Orangemen were located, through the intervention of the laws of their country, the public interests would be in no small degree promoted), the same efforts seem to have been made to extend this institution. In the West India Islands, in Malta, and in Corfu, the same project has been pursued, and we have no doubt that these steps have been taken, principally with a view to corrupt the several divisions of the British army, who happened to be stationed in our foreign possessions. The army was, beyond all question, one of the great objects of the machinations of the Orange leaders. We turn to this our last and most important topic.

It will be recollected, how strenuously, when first the charge was made, it was denied, that Orange Lodges had been established in the army. For a considerable period there was no distinct proof of the violation of the orders issued by the Horse Guards, many years ago, against the introduction of Orangeism among the troops; and the proof being imperfect, the advocates of Orangeism (we trust in ignorance of the real facts) vehemently asserted, that no such thing existed, and that this, like many other imputations, was a gross and scandalous calumny upon their body. The books of the Society having however been produced, the real facts came out. At first the attention of the Parliamentary Committee was struck by the following entry made by the Deputy Grand Secretary of Ireland, Mr. Swan, in a volume containing an account of the proceedings of the Irish Orangemen.

" 16th Feb., 1833.

" Wm. Scott, 16th Comp. Royal Sappers and Miners.

" That the committee would most willingly forward all documents connected with the Orange system, to any confidential person in Ballymena, as *prudence would not permit* that printed documents should be forwarded direct to our military brethren.

" W. J."

" 1st Jan., 1834.

" *Resolved*,—That Warrant No. 1592 be granted to Joseph Meinigh, of the First Royals, on the recommendation of brother Adam Schoales, of Derry."

The next entry was, if possible, more remarkable; the Reverend Charles Boyton was well known as a man of great abilities, and a distinguished leader of the Conservatives of Ireland; he had marshalled the Brunswick Club against Catholic emancipation, and had in England, in conjunction with Mr. O'Sullivan, addressed several public meetings with considerable effect; once a fellow of Trinity College, of which he returned the members, and since a beneficed clergyman, with a very considerable living; his name could not fail to attract attention, and with no little surprise the following entry was perused:—

" 17th December, 1839.

" Moved by Rev. C. Boyton, seconded by E. Cottingham,

" That T. B. White's suggestions be adopted as the resolution of this committee.

" That the next dormant No. be issued to the 86th regiment, and the Quebec

brethren be directed to send in a correct return, in order that new warrants be issued."

There, was found a proof of three most important points; *first*, that a resolution was publicly passed, to create an Orange Lodge in a regiment; and, *secondly*, that the extension of the system to Canada, was one of the deliberate acts of the society; and, *thirdly*, that the most able and conspicuous individual of the entire society, had taken in this enterprise a direct and leading part. It was on the 17th of December, 1829, that Mr. Boyton thought it consistent with his duty as a clergyman, and a British subject, to adopt this step. At that time, the Orange body had not attracted much of the public notice, and in their security from investigation fell into incaution; but what must have been the surprise of the committee, when they found that, actually after the parliamentary committee had been appointed (it was appointed on the 23rd of March, 1835), resolutions were passed respecting the granting of warrants to regiments, of which the following entries appear in the Appendix.

" 25th March, 1835.

" PRESENT:

N. D. Cromelin, *Chairman*.

Rev. R. Handcock.	Hugh R. Baker.
Annesly Hughes.	Wm. R. Ward.
Sir D. J. Dickenson.	Allan Ellison.
James C. Lowry.	Wm. W. Childers.
Thos. Marshall.	John J. Butler.
Thos. J. Stoney.	John O. Jones.
James Jones.	William Swan.

" That warrant No. 1537 be granted to brother Robert Moore, for the 15th Light Dragoons.

" Moved by W. Swan, and seconded by J. O. Jones,

" That lodge 1575 be permitted to initiate Mr. Talbot, formerly a Roman Catholic.

" Moved by James C. Lowry, seconded by Wm. Swan,

" That a warrant, No. 1765, be granted to Robert Taylor, for second battalion of the 1st Royals."

" 1st April, 1835.

" PRESENT:

N. D. Cromelin, *Chairman*.

Rev. R. Handcock.	George W. Breton.
John Mayne.	Wm. W. Childers.
Isaac Butt.	Hugh R. Baker.
Wm. C. Espy.	Stewart Blacker.
H. Murphy.	Wm. Swan.

" That warrant 1372 be granted to brother John N. King, for the 4th Dragoon Guards."

These entries left no room for doubting that Orangeism had extended itself very considerably in the army; at the same time, it was protested by the Duke of Cumberland, and other persons of very high consideration, that they were utterly ignorant of the fact; after these strong assurances upon their part, still more startling evidence came out, before the English parliamentary committee, who make on this subject the following report:—

" In the earlier years the applications to the Loyal Orange Institution, from the militia, and the other regiments which had been in Ireland, were chiefly for the exchange of Irish warrants, which they had received in Dublin, for English warrants: and the letters will show that they were very numerous. In the circular of the proceedings of the Imperial Grand Lodge, of the 4th June, 1833, there is the following notice:—'All Irish warrants, now in operation in Great Britain, should be immediately exchanged for English warrants, by an application to the deputy grand secretary, to whose office the former ought to be sent without delay.' And Mr. Chetwoode informed the committee, that he never hesitated to exchange English for Irish warrants to regiments, or to any part of the army, and never made any inquiry, or hesitated to grant them. It is, however, stated by him that he had an impression that all the military warrants had been granted in Ireland to non-commissioned officers and privates, with the previous sanction of the commanding officers, although he never saw any note or certificate to that purport to warrant that belief.

" Your committee have selected some letters, received from non-commissioned officers and privates in the army, and also the answers to them, which will satisfy the House that the grand officers of the Loyal Orange Institution have given assistance and encouragement to keep up, and to establish, lodges in the army, although these officers were made acquainted with the orders of the commander-in-chief, forbidding the attending or holding them in regiments; and, notwithstanding they were informed that some commanding officers had actually suppressed the lodges in conformity with the general orders. Major Anderson, commanding the 50th regiment, destroyed warrant No. 53, which was held in that corps, and thereon a letter was written, by Henry Nichols, of the light company, dated May 27, 1830, requesting a new warrant. Major Middleton, of the 42nd regiment, also prohibited the holding of the lodge in that regiment at Malta. It will also be seen by the letters from New South Wales, and the letters to Corfu and other places, that the general orders of the commander-in-chief were explained, by the deputy grand secretary, to the soldiers with whom he corresponded, as being intended, not really to suppress the lodges, but merely to hold out only a semblance of doing so.

" Your committee inserts a list of military warrants, issued to the following regiments, to hold lodges under the Loyal Orange Institution, and which was extracted from the printed register of 1830, presented by Mr. Chetwoode; and if the regiments and military corps, holding warrants under the grand lodge of Dublin, as stated in the evidence before the House, are taken into account, it will be seen how large a portion of the army has been at different times imbued with Orangeism.

No. 30. 13th Light Dragoons.	No. 131. 16th Light Dragoons.
31. Royal Sappers and Miners, 7th company.	165. 51st Light Infantry.
33. 24th regiment of Foot.	181. 6th Foot.
38. 95th, or Rifle Brigade.	190. 6th Dragoon Guards.
44. 36th Regiment.	204. 5th Ditto Ditto
45. Royal Artillery Drivers.	205. Royal Artillery, 4th battalion.
46. 43rd Regiment.	232. Ditto Ditto, 7th Ditto.
47. Royal Artillery.	238. 67th Foot.
77. Royal Horse Artillery.	241. 29th Foot.
84. 42nd Foot (Highlanders).	243. Royal Sappers and Miners.
87. 59th Foot.	248. Ditto Artillery, 5th battalion.
94. Rifle Brigade, 2nd battalion.	254. Ditto Ditto, 6th Ditto.
104. 42nd Regiment.	258. 94th Foot.
114. Rifle Brigade.	260. 17th Foot.
120. 81st Foot.	269. 1st Royal Dragoons.
125. 7th Dragoon Guards.	294. 6th Dragoon Guards.

Then follows a list, consisting of two pages and a half in the report, of various sums of money received from lodges in the army.

The parliamentary committee proceed thus—

It will be seen by the correspondence between non-commissioned officers and privates in different regiments of the line, and of the artillery at Bermuda, Gibraltar, Malta, and Corfu, and the deputy grand secretary of the institution, that Orange Lodges have not only been held in regiments in these colonies, with the knowledge of the grand officers of the institution, but that the soldiers have been encouraged by them to hold such lodges under the most suspicious circumstances. The books of the institution show also that money has been received from them, from time to time, for the warrants, and there are a great many letters demanding the dues owing to the Grand Lodge by the members of these lodges; and it is difficult to comprehend how all this could be done, and continued for so many years, without the knowledge of the grand officers of the institution in London, to whom, it may fairly be presumed, that the books of the secretary and treasurer have been always accessible.

"New South Wales and Van Diemen's Land appear to be deeply imbued with the system of Orangeism. Your committee refer to several letters which have come before them, and which will explain the progress of the system there; but Your Committee consider it of importance to place prominently before the House one letter, dated January 1833, in which it appears that the then deputy grand secretary of the institution in London, induced the writer, a soldier, to disobey the orders of his commanding officer; and did actually exchange an Irish for an English warrant to hold a lodge in the regiment, contrary to the orders of the Commander-in-Chief; and at the time he knew that the military orders were in force against such grant.

"Sidney, 13th January 1833.

"Sir and Brother,

"I now leave to lay before you the following account of 260 Loyal Orange Association, who are increasing rapidly in the 17th regiment at present; our number of members at present is 73 regular good members; our fund is not strong at present, for we allow our sick 1s. per week; and our entering charge is only 2s. 6d. We held a No. from the Benevolent Orange Systery of Ireland

in 1828, but I thought better to exchange the same which I did in 1829, shortly after I was ordered to embark for New South Wales.

" I was ordered, previous to embarkation, if I had or held a warrant of the Orange system, to send it back to the Grand Lodge, which I did not think proper to do; this, I must own, was direct disobedience of orders to my commanding officer; but I wrote to Mr. Chetwoode Eustace, then deputy grand secretary, and he informed me not to be the least afraid, for no harm would be done me. I knew there was an order issued in 1829, prohibiting Orange Lodges in the army, but this was only, as I believe, to satisfy our most bitter enemies; but if our beloved Sovereign was depending on them for the support of his crown, he would find the result; but I hope God will keep them from further power, for they are getting too much in power, both in the army and public. I am of opinion, that, if Orange Lodges were established in this country, it would increase the welfare of the community, for there is numbers of free respectable inhabitants, and discharged soldiers, would support the same; but we are not allowed to make inhabitants Orangemen under our warrant held as a military one, but if there was a warrant granted to me, I am assured it would increase rapidly, as I intend to stop in this country by purchasing my discharge, when I shall make communication to you on the same.

" Wm. M'KEE, Corporal 17th Regiment.

" God Save the King.

" N.B.—Direct to Corporal Wm. M'Kee,

" H. M. 17th Reg. Sydney."

" When every endeavour on the part of government to put an end to Orange Lodges in the army, has been met by redoubled efforts on the part of the Orange Institution, not only to uphold, but to increase them, evidently violating the military law; and aggravating its violation, by concealing from the officers of the different regiments, and from the Commander of the Forces,—from all, in fact, but Orangemen, the fixed determination of fostering their institution. When soldiers are urged in official letters from the deputy grand secretary of the society, to hold meetings, notwithstanding the orders of the Commander-in-Chief to the contrary, but with instructions to act with caution and prudence, it is surely time for Government to take measures for the complete suppression of such institutions."

And now the question arises, whether the Duke of Cumberland, and other persons of great eminence, were really in that state of profound ignorance which they profess, and which must be owned to be more marvellous than the most extraordinary knowledge of other men. This topic is a delicate one; we have throughout endeavoured to avoid saying anything personally offensive of any man; we have even given credit to Orangemen, as individuals, for pure motives, and honourable purposes; and fearing that if we were to state our own impressions, we should be compelled to speak with a severity from which we are desirous to abstain, we prefer copying verbatim, the observations made by the parliamentary committee, on lodges in Great Britain and the Colonies, upon

the great embarrassment they felt in reconciling the protestations of illustrious individuals, with the facts of which they give the detail.

"Your Committee, in reviewing all the facts brought before them, and taking into consideration the mode in which they have been proved, are unable to reconcile those facts with the ignorance professed by the Imperial Grand Master, the deputy grand-master of England and Wales, and by other grand officers of the institution, of the existence of lodges in the army.

"The books of the institution have been, from time to time, neglected\*; but the business of the grand lodge has been very regularly conducted; the evidence of every witness proves that the deputy grand secretary and grand committee prepare the business for the grand lodge; and that every proposition for its deliberation is considered by the lodge in the order entered on the *rota*; and a report of the proceedings of every grand lodge, detailing the business therein transacted, is printed and circulated soon after the meetings, to every grand officer of the grand lodge, and generally to every master of a lodge. All these forms induce your Committee to place reliance on the documentary evidence, which may be classed under the following heads, *viz.*—

"1st. There have been minutes of the proceedings of the Grand Lodge kept, with some interruptions, since 1819; and in them there are entries respecting the military brethren, the granting of warrants, and the demanding and the receipt of money from various lodges in the army. The following are examples of such entries; *viz.*—

"At a meeting of the Loyal Orange Institution, Manchester, 28th June, 1819.—Resolved, that a warrant be granted to brother Brew, to hold a lodge in the 6th regiment of infantry.'"

"June 26 and 27, 1820. Meeting at Manchester.—Resolved, 'That all military lodges, on their arrival in Ireland, shall communicate with the Grand Lodge of Ireland, but must transmit their returns regularly to the Grand Lodge of England.'"

"March 6, 1821, Manchester.—Resolved, 'That Serjeant Hill, of the 4th dragoon guards, be again admitted as a member of the institution, in consequence of the charges originally made against him having been proved to be malicious and false.'"

"June 16, 1821. Half-yearly meeting at Lord Kenyon's.—Resolved, "That brother William Bridgeman, master of lodge 131, lately held in the 16th regiment, be required to account to the grand lodge for his conduct on pain of expulsion; at the same meeting, warrants were granted to Faithful Hall, 11th regiment of foot, Thomas Mackean, 10th light dragoons, and to Henry Gray, 2nd or Goldstream guards, to hold lodges in their respective regiments.

"March 25, 1823. Meeting of grand lodge at Lord Kenyon's.—Resolved, 'That warrants be granted to John Sempleton, schoolmaster, serjeant 3d regiment of guards.' And at this meeting there is a separate resolution,—'That no distinction in numbers be made between military and civil warrants.'"

"At a meeting of the grand lodge at Lord Kenyon's, on the 29th September, 1823, deputy grand master Stockdale, in the chair. It was resolved,—'That our military brethren holding warrants, regularly notify to the deputy grand

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\* No minutes of the proceedings of the Grand Lodge are entered from 1829 to 1831.



secretary their change of quarters, that the necessary communications may be preserved with the grand lodge." "

" Meeting of grand lodge, June 15, 1827, Lord Kenyon in the chair. 'John Gibson (military) Woolwich,' attended the meeting, and was appointed a deputy grand master.

" And at the first meeting of the Orange Institution of Great Britain after the Duke of Cumberland became grand master, held at the house of Lord Kenyon, on the 17th March, 1829, the Duke of Cumberland in the chair, the report of the Grand Committee was read, received, and confirmed, and the following resolutions were unanimously adopted:—

" That new warrants be granted.

" No. 66, to Samuel Morris, musician, 43rd Foot, Gibraltar.

94, to Hospital-Serjeant Charles O. Haines, 2nd Batt. Rifle Brigade, Malta.

104, to Private James Bain, 42nd Foot, Gibraltar.

114, to Corporal John Parkinson, 2nd Batt. Rifle Brigade, Devonport.

248, to R. Lawrence, 5th Batt. Royal Artillery, Gibraltar.

" At a subsequent meeting in the same place, on the 4th June, 1832, where the Duke of Cumberland also presided, the report of the Grand Committee and their resolutions were read before the grand lodge. The tenth resolution is to the effect that 'several additional letters were laid before the grand committee, containing complaints against Mr. Chetwoode;' among these were letters from the following non-commissioned officers and privates:—

" Bermuda . . . Serjeant Chainey, Nov. 2, 1831;

Corfu . . . Hospital-Serjeant Haines, 2nd Batt. Rifles, April 15, 1832.

Dublin . . . Brother Nichols, 50th Reg. May 12, 1832.

Malta . . . Brother M'Innes, 42nd Reg. Highlanders, 1st May, 1832.

Quebec . . . ——— Inglis, 24th Reg.

" By the report of the proceedings of the grand lodge, held on the 16th of April, 1833, the Duke of Cumberland being in the chair, it appears that the proceedings of warrant 233, Woolwich (being a *military warrant, Royal Artillery, 9th battalion*), were read, and Brother John Gibson (*military*) of the said warrant, was examined; and it was resolved that Charles Nimens (*a private in that battalion*) should be suspended from membership, with right of appeal through the grand committee to the next grand lodge.

" 2nd. In the letter-book of the institution, from 1808 to the latest period, up to which your Committee have been enabled to obtain evidence, there are copies of letters addressed by the deputy grand secretary of the institution to non-commissioned officers and privates in regiments, and in detachments of artillery at home and abroad (copies of some of which are annexed in the Appendix); all sent by the deputy grand secretary for the time, in the name of the grand lodge. There is also a mass of letters from soldiers belonging to lodges in the army; some of them addressed to Lord Kenyon, which his lordship admitted he must have seen, although he did not at first recollect them; these letters embrace a large portion of the army, and will be seen in the Appendix.

" 3rd. There are regular entries of the names of the regiments, and the corps of artillery, and to others, in the ledgers from 1820 to 1824; the number of the warrants granted to each of them, the amount of dues owing by them to the grand lodge, and the amounts received, from time to time, from them; all these accounts are kept by the deputy grand treasurer, and once a year, or oftener, the accounts of the institution were balanced and laid before the grand lodge, and in

these printed accounts, entries from lodges in the army also appear. In the accounts published and circulated within the last three years to every member of the grand lodge, there are many entries also of the names of the privates and non-commissioned officers, from whom money was received, viz. :—

Dues received from the following Military Lodges, from the account submitted to the Grand Lodge, 4th June 1835.

	£.	s.	d.
Woolwich, 133: 13, Dues to March 1813 - - - - -	0	15	6
296: 1st Royal Dragoons - - - - -	2	8	0
Gibraltar - - 53rd Reg. - - for new Warrant - - - - -	1	11	6
From Malta - Fusileers, granted by Commisisioner Nucella, for new Warrant - - - - -	3	0	0
Dover - 114: Dues from June 1832, 1st Rifle Brigade - - - - -	1	0	0

" 4th. There is a register in which some thousand names are alphabetically entered, with the number of the lodge they belong to; and, of these, some hundreds are entered as military, and opposite to them the number of the regiments they respectively belong to.

" 5th. There exists a register printed in 1826, and made up in manuscript by Mr. Chetwoode to 1830, of all the lodges under the institution, having the names of thirty regiments or corps opposite the numbers of the warrants they held; and many of the printed circulars announced that these printed registers of the lodges were on sale at 2s. each. An extract of the registers of military lodges is given in another part of the report.

" 6th. In the printed circular reports of the proceedings of the grand lodge, at which His Royal Highness presided, there are entries of the warrants granted to regiments by that grand lodge: for instance, it appears from the minutes of proceedings of the meeting of the grand lodge, at No. 9, Portman-square, on the 17th February, 1831, the Duke of Cumberland, grand master of the empire, in the chair, that the issuing of twenty-four warrants to hold new lodges was approved, and three of them are thus inserted, viz.

No. 254, to Samuel Heasty, 6th Battalion Artillery.

258, to James Smith, 94th foot.

260, to Private Wilson, 17th foot.

" There are also entries (1947) of Serjeant William Keith having attended two meetings as proxy for the 1st regiment of Dragoon Guards, warrant 269. And by a resolution at a meeting of the grand lodge on the 15th February, 1827, 'No person can be received as proxy in the grand lodge, who is not of himself qualified to sit and vote therein.'

" 7th. In the laws and ordinances of 1821, 1826, and 1834, there is an apparent encouragement held out for the initiation of soldiers and sailors to be Orangemen by the remission of the fees of admission.

" On the 4th of June, 1834, there is the following entry in the printed report of proceedings :—

" 'The laws and ordinances of the institution, as revised by the grand committee, and submitted to the inspection of His Royal Highness the grand master, and his lordship the deputy grand master of England and Wales, were approved and confided by His Royal Highness to the final supervision of Lord Kenyon.'

" And it is difficult to understand how either of them could be ignorant of the following law, viz.

" Rule 41st.—No person can be admitted into this institution for a less fee than

15s., nor advanced into the purple order, after a reasonable probation, for less than an extra fee of 5s., except soldiers and sailors, when the fee of admission shall be at the discretion of the meeting.

" This rule was entered in the manuscript laws submitted to Mr. Serjeant Lewis in 1821, also in the copy of 1826, and is to be found in the last copy revised in 1834.

" 8th. A warrant was granted in 1832 to Edward Nucella, to visit established lodges on the continent of Europe, and in Malta and the Ionian Islands, and to establish others where he could, as follows:—

" *No. Foreign Warrant,*  
*this 10th day of August*

(Copy.)

Granted  
1832.

" BY VIRTUE OF THIS AUTHORITY,

" Our well-beloved Brother Orangeman, Edward Nucella, Esq., of South Lambeth, in the County of Surrey, is and his successors are nominated and warranted to the Office of Worshipful Master in the Orange Institution, and appointed to perform the requisites thereof within beyond the Realm of Great Britain.

" Given under our Seal, at London.

(Signed) " CHANDOS, Grand Secretary.

(Signed) " ERNEST, Grand Master.

Seal,  
King  
William  
III.

Seal,  
King  
William  
III.

" Mr. Nucella was informed before his departure from England, that there were military lodges in Malta, and he stated to the committee that it was publicly known in that island that Orange Lodges were held in the regiments there. He was known in Malta as the agent of the Loyal Orange Institution, and the soldiers and non-commissioned officers visited him as such, and he attended their lodges. He wrote several letters from Malta and the Ionian Islands to the deputy grand secretary, describing his proceedings; these letters were read by the grand committee,—were read in the grand lodge, when the Duke of Cumberland and Lord Kenyon were present, and the thanks of the grand lodge were given to Mr. Nucella for his zeal. Mr. Nucella stated in his letters that he had granted two warrants, viz. to the 7th and 73rd regiments, to hold lodges; and these were afterwards approved of by the grand lodge, and the dues for the same were entered in the account of the regiment, kept in the books of the grand lodge as received. On the 4th October, 1833, he writes, 'I find only two out of four battalions of regiments and companies of artillery stationed in this island, viz. 42nd Highlanders (the head lodge) and the 94th are sitting under warrants, the former, No. 104, master John M'Kay; the latter, No. 258, master Frederick Spooner; the two other regiments, the 7th and 73rd, are sitting under precepts. On the 30th October, 1833, he sent a list of the members of lodge 258 in the 94th regiment, and of No. 194 lodge in the 7th regiment, &c.; he states, 'that Major Middleton, of the 42nd regiment, had put down the lodge No. 104, held in that regiment,' and he details his expostulation with the major for so doing. In his letter from Corfu, 26th November, 1833, he states that he had been prevented by Lord Nugent, the civil governor, from establishing a lodge there; and he mentions with astonishment, the orders of the Commander of the Forces, prohibi-

biting the soldier from holding or sitting in any lodge whatever. In his letter of 7th February, 1834, he mentions that he had granted to Captain M'Dugall, paymaster of the 42nd Royal Highlanders, the warrant No. 196 Z lodge, for having been an Orangeman for thirty years, and that he had raised him and the deputy master, ensign and quarter-master Hickman of the 73rd regiment, to the dignity of the purple order. 'All this,' he adds, 'subject to the approbation and confirmation of the grand master of the empire, whom you of course make acquainted with the whole, and also the grand lodge.' Mr. Nucella never thought of concealing his mission as a commissioner appointed by the Orange Association: but, in every letter, and in his evidence, seems proud of that duty; his warrant was hung up openly in his chambers all the time he was in Malta. These letters were read in the grand lodge at different times. Notice of them was made on the 4th of June, 1833, by Lord Kenyon in very favourable terms; and at another time the following entry appears:

" 'The zealous exertions of brother Nucella, M. D. C. and grand commissioner on the continent for the advancement of the institution, as detailed in his letters from Italy, Malta, and the Ionian Islands, afforded high gratification, and called forth the unanimous approbation of the grand lodge.'

" Your committee call particular attention to the proceedings of Mr. Nucella, as he was sent under a foreign warrant of the Duke of Cumberland, Imperial Grand Master, to Malta, and other places, and that warrant could not have been signed blank; he reports to the Deputy Grand Secretary his progress, and the state of Orange Lodges in the regiments from time to time—his letters are read in grand lodge—notice of them taken in the printed reports; and finally, he received from the deputy grand secretary, the following letter of thanks from the Imperial Grand Master.

(Copy)

" ORANGE INSTITUTION.

" My dear Sir,

" It affords me no small portion of pleasure to forward you an extract from the last Report of the Grand Committee, which was confirmed by our illustrious Grand Master in Grand Lodge. My time has been so engrossed, as well in preparing for that meeting as in presiding at Grand Committees, since another of which, on finance, will be held to-morrow, that I have scarcely had one moment which I could call my own. This must serve as my apology for not offering you my respects in person, which I shall seize the first opportunity of doing; in the meanwhile, begging you to accept my best wishes for the restoration of your health,

" I have, &c.,

(Signed)

" W. BLENNERHASSETT FAIRMAN."

" To Edmund Nucella, Esq."

" Having heard read the highly interesting, important, and valuable communications of brother Nucella, M. G. C., &c., from Corfu, Malta, and other remote places, of various dates, as also one of this morning from Vauxhall-place, on his return to England, after an absence of two years, during which he had been making a tour no less extensive than useful, your grand committee beg to offer him their warmest congratulations, and their most cordial welcome, on returning to his native land. The acceptable proofs he has afforded on all occasions, of his unremitting zeal to promote the objects, and to extend the principles, of our institution, have been such as cannot fail to ensure him the approbation of the Grand Lodge. In bearing this testimony to his merits, the committee would be

guilty of great injustice, were they not to recommend him strongly for some especial mark of honour, for the heavy claim he has established on the gratitude of the high dignitaries, and of the brotherhood in general. They cannot close this well-deserved tribute of respect for him, without expressing their regret at his indisposition, with their best wishes for his recovery.

“W. B. F., Chairman.”

“9th. Lieutenant-colonel Fairman states, that soldiers from the garrison in the castle, were admitted, in their regimentals, to the lodges he held in Edinburgh whilst on his tour of inspection; that he granted a new military warrant to the 6th Dragoons at Sheffield; and, as a matter of course, he and his predecessor, the former deputy grand secretary, exchanged many old Irish military warrants for English ones, without inquiry. At Rochdale, it was publicly and generally known, that the military belonged to the Orange Associations. In Malta, the existence of Orangeism in the army was generally known by officers and men; and Mr. Nucella was recognised by them openly as a COMMISSIONER from the Duke of Cumberland, the Imperial Grand Master of the Loyal Orange Association of England. Mr. Nucella remonstrated with the commanding officer of the 42nd regiment, on the subject of his suppressing the lodge in that regiment; and he afterwards attended the meetings of other military lodges there, although he knew they were being held contrary to the order of the commander of the forces.”

“Your Committee therefore submit to The House these details, as some of the many proofs which have been brought before them, of the manner in which the Orange Lodges in the army have, from time to time, come under the notice of the grand committee, and of the grand lodge; and, when it is also known that, at almost every meeting of the grand lodge since his appointment, the Imperial grand master and the deputy grand master for Great Britain have been present, Your Committee must repeat, that they find it most difficult to reconcile statements, in evidence before them, with ignorance of these proceedings on the part of Lord Kenyon, and by His Royal Highness the Duke of Cumberland.”

If our exhausted space did not warn us, that on these remarkable disclosures, we at present can make no comment, we should almost, from other and more painful motives, hesitate to inquire, how far they are consistent with the declarations of illustrious individuals, to which we have already referred. But the revelations made by the report, and the apparently conflicting declarations of these distinguished personages, are both before our fellow countrymen,—they are thus enabled to form their own opinion.

## POSTSCRIPT.

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SINCE our observations on the Chancellorship were printed, an end has been put to the provisional state of the Court of Chancery, by the nomination of Lord Cottenham as Chancellor. In this appointment, and in that of Mr. Bickersteth to the Rolls, with a peerage—which will enable him to render permanent assistance to the cause of law reform where it is most wanted—we find most acceptable pledges of the determination of Ministers to fulfil their promise of last session, and to render the Chancellor henceforth a permanent judge, unencumbered with political duties.

We have also to notice a pamphlet by Mr. Lynch, which has just appeared on the subject, which we have discussed. We regret that it is impossible for us to give any lengthened notice of this excellent work, in which we have been much gratified to find that our own views are sanctioned. From the coincidence that will be observed between Mr. Lynch's pamphlet and our own article, we are inclined to infer that the plan, which has thus been simultaneously suggested, by two writers who have had no communication, must be one, for the adoption of which, circumstances have long been preparing the way, and which the public mind is likely to receive favourably. We wish we had met with Mr. Lynch's pamphlet earlier, that we might have extracted from it, some of his very striking illustrations of the great practical evils of the present system. But the reader will, both for these, and its suggestions of amendment, find it well worth perusal.

END OF N<sup>o</sup> I. VOL. II.

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# THE BRITISH AND FOREIGN REVIEW.

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## ARTICLE I.

*Mémoires inédits de Louis Henri de Loménie, Comte de Brienne, Secrétaire d'Etat sous Louis XIV. : 2 tomes : Paris.*

*Mémoires secrets et inédits de Madame la Comtesse du Barri : 4 tomes : Paris.*

*Mémoires du Comte Alexandre de Tilly, pour servir à l'histoire des mœurs de la fin du 18<sup>ème</sup> siècle : 4 tomes : Paris.*

THE literature of memoirs is of French origin, and has flourished most luxuriantly in its native soil. Among the antients there were no memoirs—at least in the better times of antiquity. The two great incentives to modern memoir writing—self-conceit, and secret intrigue—were wanting. Talent, merit, and faction—the eloquence of wisdom, virtue, and the passions—rank corruption and lawless force—variously decided the strife of ambition in the democracies of Greece and Italy. The machinery of government was simple and unveiled; and though selfish passions were in fierce activity, public spirit, and public objects, greatly predominated. The actors would transmit their names by inscribing them in the public temple of renown. They had no thought of leaving behind them testamentary packets of egotism or defamation, to be unsealed by posterity. The vices and crimes of the imperial courts, it is true, afforded all the encitements to private memoir-writing; but inventive capacity was exhausted—

or what remained of it, was employed—with some rare and bright exceptions—in corrupting what had been invented before. Tacitus, however, mentions memoirs of Agrippina, of which he made use in his annals; and Adrian is said to have left memoirs of his life under the name of one of his secretaries\*.

The court of France, and its coteries, have been the chosen *foci* of scandal, vanity, frivolity, every pursuit of ambition, and every species of intrigue; and the French language, from the point, flexibility, and finesse of its turns of expression, is peculiarly adapted to a species of writing, of which the great staple is satire, pleasantry, conceit, and trifling. Hence the countless brood of French memoirs from Philipppes de Commines, Brantôme, Sully, to De Retz, Joly, Dangeau, Rochefaucault, La Fare, St. Simon, Noailles, Montgon, &c.;—from the quaint egotism and gossiping philosophy of Montaigne to the eloquent, melancholy, and most degrading confessions of Rousseau; and down still lower to the coxcomb profligacies of Lauzun and Tilly; the *rechauffée* of court depravity, pretending to be “memoirs of herself, by Madame du Barri;” the spurious stories of Napoleon and his court, published under the name of a lady notoriously precluded, by her position, from acquaintance with the imperial court and its circles; and the libertine effrontery of that *contemporaine*, whom the Parisians have aptly styled, “la veuve de la grande Armée.”

General history has been benefited by the better order of these productions. They have been still more useful to the history of morals and manners. It is in the nature of the most debased human creature to try to recover its level by revenge, and accordingly slaves and sycophants to a despotic, capricious, or vicious will, have sometimes avenged their debasement on its

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\* The *diaria* mentioned in Tacitus were a species of newspaper, rather than private journal; and as to the chronicles of court news and imperial depravity, kept by freedmen, eunuchs, and other courtiers, so little is known of them, that it is not possible to judge how far they approached the modern form of journals or memoirs. Augustus is stated by Suetonius to have written “*aliqua de vita sua* ;” probably identical with what Appian, in the “*Illyrica*,” assigns to him, under the title of “*ἱστορίαι*,” and his successor, Tiberius, perhaps in imitation of him, according to the same writer, “*commentarium de vita sua summam breviterque composuit*.”

author by revealing his vices or weaknesses to posterity. Even the vile and spurious of the class are not without their value, as tending to illustrate the manners and morals of the age at their respective periods.

The three publications, of which we have prefixed the titles, refer to the most interesting epochs of French court manners; but the first in order is by no means to be confounded with the two succeeding.

Henri de Loménie, Count de Brienne, was the son and successor of a secretary of state; bred up in the court from infancy, in the cabinet from boyhood—the trusted agent of Anne of Austria, and Cardinal Mazarin—the companion in childhood, and confidant in maturer years, of Louis XIV. He was not a historic personage by station or capacity, but there was something original in his character, and in the vicissitudes of his life. A favourite, and courtier in the extremes of favour and disgrace—a dabbler in authorship, gambling, and *virtù*—a libertine and a devotee—a relapsed reprobate, an exile, and a captive; he wrote his memoirs, “to relieve his heart,” he says, “by reviewing the “scenes of his youth, as one loves to recall the light of day in “the midst of darkness, or the charms of liberty in a dungeon.” He has, however, fortunately for the world, and meritoriously for a Frenchman, been sparing of his personal adventures, and his memoirs contain not only his own reminiscences of the reign of Louis XIV., but some curious traditions of his father and others respecting the court and government of Louis XIII., Richelieu, and Mary of Medicis. The traits and anecdotes of these personages exhibit a motley demoralisation, blending the atrocious and the ridiculous, with a sort of whimsical masquerading inconsistency of condition, manners, and character.

He gives a new, graphic, and, most probably, faithful coup-d'œil of two remarkable events in the court of Louis XIII.—the murder of Concini, better known as Marshal d'Ancre, and the conspiracy and death of Cinque-Mars. They eclipse the most sanguinary and savage incidents of the seraglio. Louis XIII., too timid to throw off the yoke of the Italian favourite of his Italian mother, hires a band of ruffians to assassinate him.

Who are the assassins, and how are they engaged? Dubuisson, the keeper of the king's cabinet, is deputed by the king to make the proposition to the Baron de Vitri, with the offer of making him a Marshal of France! The baron, a noble of the first rank, runs to thank his gracious majesty for this mark of confidence, and associates with him a dozen other court nobles, including his brother, in the murderous plot. They waylay the unhappy Concini on the *Pont du Louvre* in open day—five of them fire into his carriage at once—and all dispute the infamous distinction of having given him his death wound. The king, in the mean time, anxiously waiting the result in his cabinet, hears the shots. “The deed is done,” shouts Colonel Ornano, one of the assassins, thundering at the door, and rushing in—“Or ça, ma grosse Vitri,” (meaning a rifle, named after the worthy baron)—exclaims the happy monarch—and with the “grosse Vitri” in his hand, he thus thanks the assassins now grouped beneath his window—“Grand mercy, grand “mercy, à vous—à cette heure je suis Roi;” to which they shout in reply, “Vive le Roi—le Roi est Roi.”

This is shocking; but worse, if possible, remains. The assassins plundered the mangled corpse of their victim on the spot, of his arms, jewels, and clothes; and the formal partition of the reeking spoils between them was made in the king's cabinet, by the king! Concini left a widow, the famous and unfortunate Leonora Galigai, with a son, of tender years. Anne of Austria went in disguise, “to see what figure the “widow would make,” on her way to the bastille; and knowing that the boy was admired as a dancer, compelled him to dance for her amusement, at a moment when his father's murder, his mother's despair, and the cruel treatment of himself by his gaolers, made him refuse sustenance, “pour mourir “de déplaisir.”

Richelieu, as yet but Bishop of Luçon, and a secretary of state through the favour and friendship of Concini, figures in the murder with a politic atrocity worthy of his future genius. A letter revealing the plot, the time, and place of its execution, and the names of the assassins, was brought to him in bed the night before; he meditated for a moment on the contents, told the person who brought the letter, “there was no haste—

“ he would take counsel of the night,”—put it under his pillow—deliberately abandoned his benefactor to assassination—and went to sleep.

The king “ was not long a king;” his crime but released him from Concini to subject him to the more imperious domination of Richelieu, and he attempts once more the same mode of dismissing his prime minister—murder.

His instrument now is his favourite, the young Cinque-Mars—the most glittering personage of the court. This conspiracy against the life of Richelieu, with the king at the bottom, and Cinque-Mars at the head, comprises the princes of the blood—extends to Spain—and is so formidable that Richelieu flies for refuge to a sure friend—the governor of Provence—in the depth of winter, and in the extremity of bad health. But his good fortune and energy soon defeated it, and Louis XIII. had the unparalleled infamy not only to surrender Cinque-Mars to the Cardinal’s vengeance, but to brand his memory publicly as a traitor.

Death is the event most trying to human nature, and brought out very remarkably the oppositions of character in the king and his minister. Louis XIII. was haunted by superstitious terror, and the shades of those whose blood he had shed. He once thought he beheld the accusing ghost of Montmorency in the torch-lighted corridors of Ecouen—and never would set his foot in that palace more. These fearful visions hastened his death, according to Brienne, who calls him “ *ce pieux monarque*,” but adds this solemn warning—“ *Rois qui versez le sang retenez cette grande et terrible leçon.*”

Richelieu, with the hand of death already on him, thought only of his power, his vengeance, and his vanity ! Borne on a litter, sick and dying, in the midst of a princely retinue, he had the unhappy Cinque-Mars dragged in his train from Tarascon to Lyons, for execution—saw it done—continued his magnificent and melancholy cavalcade to Paris—and ended there a life of perfidy and cruelty, libertinism and frivolity, without remorse or fear.

This famous minister, and prince of the holy catholic and apostolic church, openly affected intrigues of gallantry at court, with the airs of “ a plumed cavalier,” and went out disguised as a layman in quest of nocturnal adventures in the purlieus of the



capital. At one moment he was dallying with the famous courtesan, Marion de Lorme—at another he was making gallant advances to Anne of Austria—for securing the succession to the crown.

Brienne relates the following scene between the queen and the cardinal—it is an historical curiosity :

"The Cardinal (says he) was desperately in love with a great princess, and made no secret of it; respect for her memory forbids me to name her. Son Eminence voulut mettre une terme à sa stérilité—*mais on l'en remercia civilement*. The Princess and her confidant (Madame de Chevreuse) loved amusement at the time, at least as much as intrigue. One day whilst they conversed tête-à-tête, and thought only of laughing at the amorous cardinal—'he is passionately in love with you, madame,' said the confidant, 'and would do any thing to please your majesty, will you allow me to send him some evening to your chamber, dressed as a jack-pudding, to dance a saraband?' The Princess young, gay, and in short a woman, took the confidant at her word. Richelieu accepted the singular rendezvous, came quite secure of his conquest, wearing a pantaloon of green velvet, with bells jingling at his knees, and castanettes in his hands, and danced a saraband, which Boccau played on the violin, behind a screen. The ladies laughed 'à gorge déployée,' (how could they do otherwise—I laugh at it myself after fifty years.) The Cardinal declared his love in due form—the Princess treated it as a farce (pantalonade), the haughty prelate was so irritated that ever after, his love was changed into hate, and the Princess paid but too dearly for the pleasure of seeing an Eminence dance!"

But if Anne of Austria laughed at the grotesque gallantries of Richelieu, she was not insensible to the graces of his brother Cardinal, Mazarin. Brienne says her passion for Mazarin was purely spiritual, and gives in proof an edifying scene between his mother and the queen in that royal "oratory," which served in turns the purposes of court plotting, gallantry, and devotion :

"The Queen," he says, "loved my mother who loved her tenderly. One day she ventured to talk to her majesty of the wicked things said respecting her and the cardinal. It happened as follows—My mother was in the queen's 'oratory,' absorbed in her devotions; the Queen entered without perceiving her, fell on her knees, and sighed deeply; my mother having moved, she was roused from her meditation, and perceiving her said, 'Is it you, Madame de Brienne? come let us pray together;' and then they prayed, after which my mother asked permission to tell her what malicious people said—the queen embraced her—my mother told her all, which made the queen 'blush frequently even to the whites of her eyes.' 'Why did you not tell me this before?' said the Queen in tears, and then she continued—'I own I like him, but my affection for him is not love—at least I do not know it to be love, *et mes sens n'y ont point de part*—it is only my mind that is taken with the beauty of his mind, can this be wrong? tell me if you think there is the shadow of sin in such love as this—if there be, I renounce it from this moment before God, and the holy saints whose relics are my witnesses

on that altar.'—'Swear, madam,' said my mother, 'by these holy relics to keep the vow you have just made;' and then she placed in the Queen's hand a relic which she took from the altar—'I do swear,' said the Queen, 'and I pray God to punish me if I know the least evil.'—'Ah! it is too much' said my mother weeping, and then they prayed again!"

We will not sit in judgment on the passion of Anne of Austria, whether spiritual, according to Brienne and his mother, or carnal, according to the court chronicles of the day; and we give the foregoing scene only as an example of the good intentions with which the queen and court ladies of that period in France, called in to their aid devotion and the saints against temptation and *les sens*.

Their most meritorious efforts, however, did not always succeed. The famous Duchesse de Longueville, who had more lovers, more confessors, and of course more secrets, than any other lady of her time, began the world and the war against the flesh with the fairest promise. "Beautiful as light," and a princess, she yet disdained the pleasures of the court, and placed herself wholly under the guidance of a sisterhood called the Carmelite nuns. Her devout seclusion did not meet the views of her mother, who insisted on her going to a grand court ball. In this extremity, she consulted the nuns. A council of the sisterhood was held in due form, and it was decided that the young lady should go to the ball—but armed against the enemy, in a cuirass of sackcloth, beneath her ball dress. She looked so beautiful that the sisters expressed alarm; but she answered courageously there was nothing to fear. "Fatal confidence—the assembly had eyes only for her. "The jargon of flattery made its way to her artless soul, committed dreadful ravages there, and soon became but too familiar a guest." Such is the account given by the author of her "véritable vie."

Soon after another arrangement was adopted, and there was a sort of accommodating compromise between devotion and *les sens*. Madame de Sévigné, writing, be it remembered, to her daughter, relates the following *tête-à-tête* :—

"Le petit bon (M. de Fiéscue) qui n'a pas l'esprit d'inventer la moindre chose, a conté naïvement qu'étant couché l'autre jour familièrement avec la *senricière* (Mad. de Lionne) elle lui avait dit, après deux ou trois heures de conversation,—'Petit bon, j'ai quelque chose sur le cœur contre vous.' 'Et quoi, Madame?' 'Vous n'êtes pas dévot à la Vierge—Ah! Vous n'êtes pas dévot à la Vierge—Cela me fait une peine étrange!'"

But,—to return for a moment to Anne of Austria,—her

passion, whether of the soul or of the senses, for Mazarin was unrequited. The politic Italian—unlike the gallant Frenchman—loved nothing but money and money's worth. His levities and buffooneries, however, though gallantry had no share in them, were scarcely less inconsistent with decorum than those of Richelieu. We will cite but one example, \* a “domestic pastime,” recorded by his niece, the celebrated Duchess of Mazarin, in her memoirs. We will give it in the original :

“Une autre chose qui nous fit rire en ce temps-là fut une plaisante galanterie que M. le Cardinal fit à Madame de Bouillon [her sister, and the Cardinal's niece], qui pouvait avoir six ans. Un jour qu'il la raillait sur quelque galant qu'elle devait avoir, il s'avisa à la fin de lui reprocher qu'elle était grosse. Le ressentiment qu'elle en témoigna le divertit si fort qu'on résolut de continuer à le lui dire. On lui retrécit ses habits de temps en temps, et on lui fit croire que c'était qu'elle avait grossi. Cela dura autant qu'il fallait pour lui faire paraître la chose vraisemblable; mais elle n'en voulut jamais rien croire, et s'en défendit toujours avec beaucoup d'aigreur, jusqu'à ce que le temps de l'accouchement étant arrivé, elle trouva un matin entre ses draps un enfant qui venait de naître. Vous ne sauriez comprendre quel fut son étonnement et sa désolation à cette vue. ‘Il n'y a donc,’ disait-elle, ‘que la sainte Vierge et moi à qui cela soit arrivé!’ La reine vint la consoler, et voulut être marraine. Beaucoup de gens vinrent se réjouir avec l'accouchée, et ce qui était d'abord un passe-temps domestique devint à la fin un divertissement public pour toute la cour.”

The young ladies did justice in after years to their early education. Madame Mazarin passed her life in suits of separation and divorce, imprisonments, elopements, and intrigues. She loved “pastime” like her uncle, and indulged her humour in pretty much the same vein. One of her imprisonments was in the nunnery called St. Marie de la Bastille. She demanded a supply of water and a bath—was informed that such a luxury was against the rules of the sisterhood,—found in her chamber an empty chest, and had it filled with water, which soon escaped through the chinks of the chest and the floor, and deluged the mother abbess beneath in her bed. Another of her pastimes in the convent was to pour ink into the font of holy water from which the nuns sanctified themselves in the morning on their way to the chapel, upon entering which they beheld each other with consternation marked on the forehead with a black cross\*.

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\* The authenticity of the memoirs of the Duchess of Mazarin has been questioned. But even supposing them the composition of St. Real or St. Evremond, they are not the less authentic as to facts, for both lived in the most intimate familiarity with the duchess during her exile in England.

Mazarin, without the commanding genius of Richelieu, procured more riches and dignities for himself and his family, and ruled France with a securer sway. This did not content him; he would be Pope—when death, of which he seems never to have thought for a moment, came suddenly before him in all its terrors.

The last scene of his life related by Brienne, an eye witness, is one of the most melancholy and curious exhibitions of human nature. He was taken ill on his return from the conclusion of the peace of the Pyrennees, which crowned his glory as a diplomatist and minister. Arrived at the Louvre in a dying state, he ordered a grand ballet to be prepared in the *galerie des rois*, with all the splendour which painting, drapery, and gilding could bestow. The decorations and the Louvre took fire, as if, says Brienne, “by the will of heaven, in condemnation of such extravagances. Upon the alarm of “fire,” he continues, “I ran to the apartment of the Cardinal, and found him in the arms of his captain of the guards, pale and trembling, with death in his looks—whether it was that he dreaded being burned alive, or thought the fire a warning “of God.” A consultation was held, and the physician, Guenand, frankly passed sentence of death on Mazarin.

“I must not flatter you, Monseigneur—medicine cannot cure you.” “How long have I to live?” “Two months, at the most.” “That is enough—I thank you as a friend—profit by the short time I have to live, for the advancement of your fortune—as I will profit by your warning; adieu—see what I can do to serve you.”

His resignation did not endure.

“One day,” says Brienne, “ whilst in his gallery (of painting, sculpture, and tapestry) I heard him coming, and concealed myself. He entered with a languid step, and stopping frequently as he came to different pictures, he mournfully cried, ‘I must leave this—and this—and this—and all these, which have cost me so much—I am going where I shall no longer see them.’ I could not help (continued Brienne) sighing deeply. ‘Who is there—who is there?’ said he, in a doleful tone. I came forward, and beheld him in his night gown, night cap, and slippers, with death in his countenance. ‘It is I, Monseigneur, with a letter for you.’ ‘Come here, my friend—come here—your hand—I am faint—look, *mon pauvre ami*—that beautiful Corregio,—that Venus of Titian—that incomparable deluge of Annibal Carracci. Ah, *mon pauvre ami*, I must leave all these—adieu! beloved pictures—which I loved so much—for which I paid so much.’ ”

Brienne, on another occasion, entering the Cardinal’s chamber, found him slumbering in his arm-chair, vibrating

backwards and forwards and talking indistinctly "as if he were possessed." His valet de chambre, afraid of his falling into the fire, shook him rudely and told him Brienne was there. The Cardinal, after repeating several times "Guenaud has said it," "I cannot escape, I must die," recognised Brienne with the words: "*Ah, mon pauvre ami*, I am dying!" "*Je te vois bien, Monseigneur*," was the consoling reply of the *pauvre ami*.

A day or two before his death, he made vain and melancholy battle against mortality and disease. He had himself shaved and dressed, his moustaches curled, his cheeks and lips coloured with vermilion; and white paint laid on with equal abundance. Thus made up, and placed in his sedan chair, left open in front, he made the tour of the garden. Brienne met him, and could hardly trust his eyes; so prompt and complete was the metamorphosis, from the bed of death, where he had but just left him, to a second youth, like that of *Æson*. This attempt to cheat nature hastened his end, not only from exertion and fatigue, but from the malice of the courtiers. "The open air improves you; I wonder your eminence does not come out more frequently," said the Count de Nogent, a court joker, who met him "in this precious equipage." "Let us go in—" "I am ill," said Mazarin. "I can readily believe it," said the courtier—"your eminence looks very red in the face."

This arch priest of knavery, after a life of successful ambition and sordid avarice, defeating his enemies and tricking his friends, cheating at play, which he openly called *prendre mes avantages*—practising even gratuitous rogueries, as if it were his natural instinct to deceive—delighting to fool mankind, even where he gained nothing by it,—could not help playing off one of his characteristic buffooneries even on the brink of the grave. Tubœuf, a courtier, came to pay him a small remnant of a gaming debt. Mazarin grasped the money, crawled to his jewel casket, in which he placed it, took out the jewels one by one, and repeated several times, "I give Madame Tubœuf"—"What?" said the eager husband, holding out his hand—"I give Madame Tubœuf," said the dying knave, still gratified to play upon the weakness or meanness of mankind; "I give Madame Tubœuf a very good morning." It would scarcely be believed, were it not related by Brienne, an eye

witness, that there was a card table in full activity at his bedside,—one of the party holding his cards for the dying Cardinal,—up to the last moment, when he received the pope's "plenary indulgence," with the viaticum, as a prince of the church, from the pope's nuncio!

Thus died this extraordinary man, leaving behind him his immense wealth, his works of art, his benefices, his pensions, his places—to be scrambled for by thousands—his name stamped by himself, on the Duc de Mazarin (whom he adopted), the palais Mazarin, the college Mazarin, the dix-huit Mazarins (jewels presented by him to the crown), the Hoc Mazarin (a game at cards invented by him), and the pâtés Mazarins! His carriages, stripped of their velvet and gold, were sold for hackney coaches, and the housings of his mules were used as drapery to adorn the church of the *Théatins*, during the processions of the host!

To complete the triumvirate of Cardinals, we must mention Cardinal de Retz as the most extraordinary and eccentric genius of the three, and the most curious example of the spirit of the age, as well as the court, in France. The memoirs in which he has recorded his adventures, his intrigues, and his singular character, are too well-known to admit of more than a reference to them. Some notices of him in the *Memoirs of D'Argenson* are less known but not less interesting. Before he was seventeen years old he had distinguished himself by a theological thesis, three duels, two affairs of gallantry, and a life of Fiesco, the Genoese conspirator, whom he took for his model. Richelieu was in the height of his power. The young Gondi, nothing dismayed, entered into a conspiracy against him; and upon its proving abortive, attacked the Cardinal in a way more mortifying—by carrying away his mistresses. He appeared, during the Fronde, with pistols and a poniard peeping from under his vestments—passed his life preaching and making proselytes, in imitation of St. Francis Xavier—conspiring, caballing, and revelling, like Fiesco, the Gracchi, and Alcibiades,—was at last made a Cardinal, and received at court—retired from the court to solitude—threw his cardinal's hat at the feet of the Pope—and died in the odour of devotion if not sanctity.

The most prominent trait in this state of society and manners,

is the whimsical inconsistency which characterised the general depravation. There was no congruity—no decorum of principle or person, for good or for evil—no standard of conduct, divine, human, moral, or conventional.

It might be inferred, that in such a state of things religion was but hypocrisy, and its practice grimace. We think the fact was not so. The sentiment of religion, such as it was, seems never to have been extinct or abandoned. Religious ceremonies and observances occupied the stage, like interludes, in their turn—were performed and witnessed in good faith—and the last scene of the tragi-comedy of life invariably closed with them. Such are the anomalies of the human mind.

A change of scenery, machinery, decorations, dresses, and personages now took place. Louis XIV. came on the stage. The character of this monarch is every day shorn closer and closer of the false glory with which court flattery, the authority of a few great literary names, and the senseless echo of the multitude, had environed it. He was—and could hardly have been any thing else—the factitious creature of adulation and etiquette. No one, not brought up to it, like him, from infancy, could have gone through the mill-horse routine of royalty which made up his day. His majesty put his right leg out of bed in the morning, and the “grand chambellan” was on duty. The left leg followed its companion, and was waited on by the “premier gentilhomme.” His majesty’s shirt was passed over him by a grand officer, but the valet de chambre might hold the right sleeve—the valet de garde-robe the left. His majesty’s “cravatier” brought the cravat, and arranged the royal collar; but the royal cravat was put on by a superior officer. The “cravatier,” however, might touch the royal person, if he observed a fold awry. We can follow the author and his majesty no further in the details.

Thus, constantly ministered to by attendant hands, Louis XIV. imagined himself a being of higher nature, born to lord it over inferior humanity. He became a sort of strutting player—his life a continued pageant of vain self-delusion. He danced as a demigod in ballets from his ninth year, and what the court ballet master had begun, the poets and painters completed by transforming him into almost every god or hero of

the Pantheon. He underwent a sort of imaginary apotheosis—the man disappearing in all that was natural or genuine—in all but the compromise of sensuality and superstitious fear into which he was led by court divines.

Mazarin on his death-bed impressed on Louis XIV. two great lessons—that he who knows not how to dissemble is unfit to rule—and never to have a prime minister. He took the earliest opportunity of practising them both, and the master himself was the first object of his proficiency. “The cardinal having expired,” says Brienne, “the king entered his garde-robe, leaning on the shoulder of Marshal de Grammont, embraced the Marshal, saying, ‘Marshal, we have just lost a good friend,’ and wept; the marshal sobbed out in reply—he could do no less—‘Truly, yes sire.’” Yet of the millions in France who desired the death of Mazarin, the young king desired it most. Mazarin well knew it, and said so to Brienne on the eve of his death. “Make out,” says Louis XIV. to Brienne, “the Duc de Mazarin’s commission as governor of Brittany—I promised this to the deceased cardinal.” “But the queen, your majesty’s mother,” replies the secretary, “must first resign.” “Make out the commission—in all but the counter-signature,” repeats the sovereign. The queen-mother refused—as her son well knew she would; the validity of the commission was gravely referred to the council, who as gravely pronounced it null—well knowing the whole affair was what they called amongst themselves “a court grimace,” by which the royal casuist discharged his conscience.

Louis XIV. was equally faithful to the council of having no prime minister. The queen-mother, who in concert with Mazarin had indulged him in pomp and pleasure, and studiously prevented the cultivation of his mind, was quite secure of ruling him still—“I should like to see him pretend to have a head for business (*faire le capable*),” said she, when told how her son’s genius had suddenly blazed forth at the council. But she deceived herself. Louis XIV. now threw her completely overboard. She however had influence enough to dissuade him from the damning infamy of arresting with his own royal hand the unfortunate Fouquet, in the midst of a



revel, which the minister had prepared with unparalleled cost and splendour for his special entertainment. "Ah! my son," said she, "this action will do you no honour—the poor man ruins himself to give you good cheer, and you make him a prisoner in the midst of it, in his own house." Still the personal share of Louis XIV. in the arrest, as related by Brienne, himself a chief actor, was that of a commander of *sbirri*, rather than a king. He inveigled Fouquet to Nantes, held out to his victim false hopes of still higher honours—pounced suddenly on him at five in the morning, when he knew him ill in bed of fever, had him carried off in an iron cage prepared for the purpose, and coolly told his suite, that "having hunted down his game," (*la chasse étant faite*) he should return to Fontainebleau.

There appears something so rancorously vindictive in the treatment of Fouquet by Louis XIV., as to give probability to what has been said by others, and insinuated by Brienne, that he envied the magnificence of his minister in his palaces, banquets, dependents, and mistresses. Fouquet had half the court, male and female, in his pay; and it has been said, "had the insolence to be his master's rival with Mademoiselle La Vallière." Brienne gives an amusing account of his own unconscious rivalry in the same quarter. Louis XIV. having observed it, invited him to a *tête-à-tête* in his garde-robe, barred the door, so frightened him that his passion oozed away in a maudlin fit of tears, ("car j'avais," says he "les yeux et le cerveau fort humides,") and had Mademoiselle La Vallière painted as Diana, with poor Brienne in the background as Actæon.

It has been said that Louis XIV. loved and was loved by his several mistresses; this seems more than doubtful; Mademoiselle La Vallière possibly had some attachment to his person; but he, though endowed like Brienne with the fluxional temperament, and frequently indulging it, yet "parted from her," says Madame de Caylus in her "Souvenirs," "with dry eyes." The heartless son could scarcely have been a tender lover; he revelled with La Vallière in the Palais Royal, whilst his mother was in her dying agonies in the Louvre. She sent to entreat him for his own sake not to let the world

see he could be so unnatural, and only had the further pain of hearing her two sons disputing for her trinkets in the next room to that in which she was dying.

Louis XIV. had the mortification to be rejected by one lady—Mademoiselle Lamothe—who loved the famous Duc de Richelieu. Her moral kindred, and especially her pious mother, in vain rebuked her for not yielding to the addresses of “so great a king.” The young lady’s constancy and disinterestedness were ill rewarded. She was married to the Duc de Ventadour, the ugliest mortal, and the most profligate in France. “Il n’y a pas d’apparence, Madame,” said a gallant court bishop to her, on her first appearance with her husband at the Louvre, “que vous refusiez à d’autres ce que vous accordez à M. de Ventadour.” She was the occasion of one of the famous Madame Cornuel’s happiest *bons mots*. We will not venture to quote it in full, though told by Madame de Sévigné to her daughter in those “charming letters,” which may be seen on the table of so many *boudoirs*. Suffice it to say, that upon M. de Ventadour’s appearance at court without his wife, notwithstanding his jealousy and her beauty, Madame Cornuel observed, “*Ma foi, il a mis un bon suisse à la porte.*”

Madame de Montespan had no passion but ambition and vanity. For these, and not for love of Louis XIV., she prayed, and received the sacrament weekly with the queen, and insinuated herself into the confidence of Mademoiselle La Vallière, to supplant her. That her passion was for the court, not for the king, is proved by the fact of her placing her niece, the beautiful Madame de Nevers, in his way, as the means of sustaining her own waning credit. “La pauvre Fontange,” as Brienne calls her, died not “of desertion and a broken heart,” but of a premature journey, after her lying in, to a court fête, at Fontainebleau. When he attached himself to Madame de Maintenon, the age of passion had gone by with both, and her letters breathe not affection for his person, but lamentations of her bondage—worse, she said, than that of the galley slaves—in the hopeless toil of “amusing a man no longer amusable.”

Louis XIV. was governed by his confessors much more than by his mistresses, and, accordingly, the latter envied and

abhorred the former. Madame de Maintenon, with all her devotion, hated Père la Chaise, and Madame de Montespan was in the habit of calling him by a contumelious and disgusting pun upon his name. He was priest-ridden, both in youth and age, but by different modes. Whilst his passions were yet strong, his spiritual rulers, adroit masters in the art, curbed him lightly, and sometimes gave him a loose rein; but, in his advanced age, they had him broken in completely to their hand. There is something at once laughable and shocking in the sanctified mummery with which the churchmen tried to wrest from the mistresses undivided empire over him. Bossuet, taking advantage of a temporary access of devotion, during the celebration of the jubilee, effected a separation between him and Madame de Montespan. It was, however, conditioned for the mistress, that she should not be excluded from the court; but in rejoinder—certain precautions were to be taken against the natural consequences of juxta position. A conclave of old ladies, with the famous Bossuet presiding, arranged the preliminaries. The king was not to see the mistress, for the first time after the separation, at court:—that might be “too much for his feelings.” He should visit her at her apartments first; but “the most respectable matrons of the court were to be present.” They met as arranged. The king, by degrees, drew the lady to the embrasure of a window; they spoke low—shed tears—said to each other (says Madame de Caylus) what is usual on such occasions, made a low bow to the old ladies in waiting, and left them to look, or laugh, in each other’s faces. The attempt having thus proved premature, the royal penitent was indulged, by Bossuet and Père la Chaise, for a few years more.

His devotion, unlightened and grovelling, was uniform and sincere; he had ever before his eyes the fear of purgatory and his confessor. In all else, however, even on occasions of solemnity and feeling, he would put on the “court grimace.” On the death of his Queen his grief was “inconsolable.” Madame de Maintenon, after three days, joined him at Fontainebleau; her person dressed in sables—her countenance in affliction, to be in unison with the royal mourner. But his majesty’s grief, meanwhile, had miraculously passed away, and he only laughed, and quizzed her “mockery of woe.”—“I would not

"swear," says the lady's niece, "that Madame de Maintenon did not reply to him, as Marshal de Grammont answered Madame Hérault, on the death of her spouse." The story of the Marshal and Madame Hérault was this:—Madame Hérault, who had the care of the court poultry, became a widow; Marshal de Grammont, a true courtier, thought that even the poultry keeper might be of use, and consoled with her pathetically on her loss. "The poor man did well to die," said the lady.—"Ah! Madame Hérault," rejoined the Marshal, "is it so you take it? if it be, why I care as little as you do."

It would appear from what is said by Brienne, that Madame de Maintenon did *not* instigate the revocation of the edict of Nantes. This, he says, was the counsel of Père la Chaise, and the old Chancellor Le Tellier; "the latter of whom, coming out of the King's cabinet, always reminded Marshal de Grammont of a weazel licking its bloody lips after having killed a brood of chickens." His confessor now ruled Louis XIV. as a physician his patient in a state of mental aberration. Louis having learned from his barber (this personage alone, it seems, spoke truth to him) that some extravagant praises of the Duc de Maine, in the Dutch gazettes, were but ridicule of his notorious cowardice, could not contain himself (says St. Simon), and vented his rage at table by breaking his cane on the back of a domestic, whom he saw secreting a biscuit; but the first thing he did after his passion had subsided, was to ask his confessor, whether by breaking his cane on a rogue's back he had offended God?

With all his indignation at the cowardice of his natural son, his own courage was questionable, and questioned. The Comte de Guiche, who had opportunities of judging, pronounced him a mere braggart. La Fare says, in his memoirs, that he preferred sieges, because the personal hazard was less, to actions in the field; and that he so palpably kept out of the reach of danger as to produce a bad effect upon the troops.

We have here given, from Brienne and others, a few traits of the court and personal character of Louis XIV.,—the fewer, that some of the more characteristic are too gross to be cited. It is a subject, from the contemplation of which one rises with disappointment and disgust. That which shone at a distance

proves but a worm of the earth. This monarch, however, it should always be remembered, was the creature of education and circumstances. We find him from his birth cradled in pomp and pleasure—surrounded, in his manhood, by sycophants and slaves, pageantry and vice—and by a system of court prostitution, which deluded him with the chimera that he had won a heart when he possessed a victim: in advanced life, priest-ridden at the confessional and shut out from all but servile courtiers, ambitious churchmen, and intriguing devotees. The Abbé de Choisy dedicated his translation of the *Imitatio Christi* to Madame de Maintenon, with a frontispiece representing her on her knees before a crucifix, and the following words from the Old Testament written underneath:—*Audi filia, concupiscet rex decorem tuum.*

But “the age of Louis XIV.”—his patronage of genius in science, literature and the arts! the merits of his age, have, we think, been exaggerated. The comparison of him with Leo X. was blind injustice to that magnificent pontiff. Leo encouraged literature and the arts, because he loved them for themselves—and he lived with those who cultivated them, in a congenial familiarity. Louis XIV. recruited or rewarded talents from abroad; not that he loved them, but for the vanity of patronage, and because they ministered to his luxurious pride by creating palaces and pleasure grounds—to his overweening arrogance, by identifying him in sculpture, painting, and verse, with all the gods and heroes of fable and history. In a word, literature and the arts, under the patronage of Louis XIV., were essentially parasitical; and with respect to science, two men only, Huygens and Cassini, received encouragement from his vanity, because they were foreigners; whilst the only native genius (for Descartes was a genius in spite of his reveries) could not find shelter for his head, or a grave for his bones, in France. Even his boasted court was gorgeous and theatrical rather than splendid or civilised—it was illiterate. Dangeau wrote his letters of gallantry for Louis XIV.—Madame Paradis, the mother of Moncrif, made her fortune at court, by writing gallant epistles for lords and ladies, who dictated to admiration, but could not spell.

From the preceding, it is obvious that the depravity which prevailed in the court of Louis XV. did not originate, as it is

supposed, with the regency; vice merely threw off the mask on the assumption of the government by the accomplished and depraved Duke of Orleans—profligacies, which before sought the shade, were practised without disguise, and ended in the systematic corruption which marked the reign of Louis XV. from his majority to his death.

Genuine memoirs of Madame du Barri would throw a strong and interesting light on the corruptions and intrigues of the court of Louis XV. during its most important period; but those before us, though a clever fabrication, could not impose themselves for a moment on persons acquainted with the published memoirs and letters of that day\*. Even without this acquaintance, the forgery is discoverable from other evidence. An illiterate person, without natural capacity, such as Madame du Barri notoriously was, would have confined her narrative within the immediate sphere of her eyes and ears, and given impressions, not reflexions—her touch would have been essentially graphic. But the fabricator (*soi-disant* editor), forgetting this, makes “*Madame la Comtesse*,” yet fresh from her first meeting with Louis XV., start off with a politico-historic sketch of his character, instead of the remembrances of his person, dress, voice, and manner. There is the same evidence of imposture in the pretended characters of the thousand and one celebrated or notorious persons of the time, whom the fabricator has pressed into his service with an utter disregard of chronology. Even poor Jean Jacques and Thérèse are made to figure in the romance. But the most magnificent specimen of the fabricator’s intrepidity is composing what he calls “*lettres inédites*” to Madame du Barri from Voltaire,—having found that Voltaire corresponded with Madame de Pompadour, the preceding royal mistress, in prose and verse. He read in the confessions of Rousseau, that Grimm disguised his freckled German complexion with white paint, and was hence called “*Tyran le blanc*;” but he forgot that at the time “*Madame la Comtesse*” was parading the Boulevards

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\* Charles X. is said to have pronounced them genuine. This proves two things—that the fabrication is founded, in the main, upon real incidents, and that the voucher for their truth is, what he is generally supposed, a man of little or no understanding. They would not have imposed upon his more discerning brother, Louis XVIII.

in the lowest state of degradation, and that Rousseau mentions the nick-name as given only by Gauffecourt, and in private. He read in the published letters of Madame du Deffand and Horace Walpole, that the old lady expressed herself in a style of tenderness and romance, which the gentleman rebuked as ridiculous; and he learned, from the oracles of an English review, that Walpole was a gossiping egotist. Upon these hints he makes "the Countess" bring Madame du Deffand on the stage, talking incessantly of "son égoïste Walpole, qu'elle aimait comme une chatte." He discovered in the same correspondence that the letters were sometimes intercepted and sent to Versailles for the entertainment of the court. With this ground to stand upon, he makes Madame du Barri discover the enmity of Madame du Deffand through her correspondence "avec l'Anglais Walpole," opened at the post office,—not discerning or not regarding the express evidence on the face of the letters, that all those which made allusions to Madame du Barri and the intrigues of the court, were confided to private hands\*.

There is, however, much truth—at least much of what is supported by authentic memoirs and letters, already in print—with an air of dramatic verisimilitude throughout—and the fabricator has imparted to the language of *Madame la Comtesse* a certain frankness which accords with her early pursuits. The fabrication may be called a farrago of depravity and scandal—but it is a romance founded on facts, and interspersed with curious traits of wit, pleasantry, character, and manners, industriously collected from a variety of sources. It might be supposed that the concoctor shews a want of skill and keeping, when he introduces a lady of Madame du Barri's previous habits moralizing on the vices of the age, and sighing sentimentally as she discovers, with innocent surprise, the wicked doings which prevail at court. We can, however, imagine her surprise natural, upon finding when translated from the purlieus of Paris to apartments of Versailles, that the only change was that of decoration and glitter.

Madame la Comtesse avows some frailties before she be-

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\* We have been the more particular in exposing this fabrication, from finding these and other memoirs of the same stamp, frequently cited and reviewed in England as genuine.

came a great lady, and repeats the well-known sarcasm of the Duc d'Ayen. "I believe," said Louis XV., speaking of his mistress, "I succeed Sainte Foix."—"Yes, Sire," replied the Duke, "as your majesty succeeds King Pharamond." The true history of Madame du Barri, up to her court greatness is, that from a mere *coureuse* of remarkable beauty, she became the mistress of Count Jean du Barri, a ruined profligate, who had thrown off all shame, and ruffianized himself systematically, in his life and conversation. This worthy person, speculating upon the means of improving his fortune, recollected, in a happy moment, his mistress's stock of beauty, combined with what she herself is made to call, "*ce dévergondage de mauvaise compagnie qui plaît aux vieux libertins;*" and judged her a fit and proper mistress for the most Christian King. To be eligible to the honours of royal concubinage in France, she must be a titled dame. Count Jean, it may be expected, bestowed upon her his own title. But no—it would exclude him from her presence and the court. This was the established etiquette. He, however, was at no loss, and immediately obtained her a qualification, by marriage with his brother, Count Guillaume du Barri. Lélél, the King's first valet de chambre, an important court officer, who acted as grand chamberlain on those occasions, was, of course, the introducer of "*Madame la Comtesse.*" In a little time some envious duchesses spread the alarming rumour, that she was not really the wife of Count Guillaume. The distress of M. Lélél at the possibility of so calamitous a violation of royal usage, and the indignation of the court ladies at Madame du Barri, for the scandal of being the king's mistress, and a mere plebeian, are the more amusing that their truth is known. There are many plausible and some faithful details of the haughtiness with which high bred ladies stood off whilst Madame du Barri's position was doubtful—but, as soon as it became secure—of the eagerness with which the first persons of France, male and female, laymen and ecclesiastics—all but the Duc de Choiseul and his immediate friends—pressed forward to make their scandalous court to her.

We will not further pursue the intrigues in the court of Louis XV., or lift the veil from the sensualities of this abandoned voluptuary in his palace, as well as in the *parc au*



*cerfs*. He left to his grandson a throne already tottering, with a court sunk into a state of systematic and shameless corruption. Louis XVI., himself of negatively blameless morals—rather from temperament than virtue—was too weak to reform the court, and too weak and false to co-operate with those who would reform the state. It is true he immediately issued a *lettre de cachet* against Madame du Barri, but it was merely the suggestion of his young queen, to revenge herself upon a rival in beauty, who more than divided with her the homage of a profligate and grovelling court. He tolerated the more veiled dissoluteness and more dangerous intrigues carried on in the apartment of Madame de Polignac.

This brings us to the memoirs of Count Alexandre de Tilly.

They are given to the world, the title page says, "*pour servir à l'histoire des mœurs de la fin du 18<sup>ème</sup> siècle.*"—But Tilly, a coxcomb and a Frenchman, is too frequently the hero of his own tale. His memoirs contain too much of his personal adventures—not what he saw or heard, but what he said or did. The book, however, may serve as a history of French court morals at the close of the 18th century,—if we suppose M. Tilly a type of them. This supposition, which is not unreasonable, would make the court of Louis XVI. almost as corrupt, his character almost as weak, as that of Claudius. Tilly was regarded as the rival and successor of Lauzun, whose disgraceful autobiography appeared some years since; but the differences between them sometimes amount to opposition, and are all in favour of the latter. Tilly wanted the buoyant and brilliant vanity, the impulse of adventure, the personal éclat, which veiled the vices of Lauzun. He was, what Lauzun was not—a systematic, cold-blooded, interested corrupter, who made his infamous life the source of his infamous livelihood—"Quant à ses ressources, et à sa manière d'y (in London) vivre," says the editor, with equal naïveté and delicacy, "c'est pour nous un mystère. Il paraît que Tilly, de même qu'à Paris, y fit fortune au jeu et auprès des femmes." Tilly moreover, unlike Lauzun, was brutal in his jealousies, and when his vanity was mortified by women, resorted to the most dastardly vengeance. In one respect they resembled each other—they placarded their victims as well as their intrigues, with reckless ostentation. The French pique

themselves upon what is called gallantry; but among no people is there less of that first obligation in the code of gallantry, and manhood—silence.

Tilly's career may be briefly stated—He was received as a page to the queen Marie Antoinette in 1780; signalized himself by dissolute adventures up to the revolution; emigrated to England; visited Germany and the United States; left in each country of his sojourn evidences of his abandoned life and character; returned to France at or about the restoration, and having lost at the gaming table his last stake, "the gamester's honour," committed suicide (in a manner which, to avoid giving pain, we will not revive) at Brussels, in 1816.

The period of French court manners to which his memoirs chiefly relate, is from 1783 to 1792.

Like most other witnesses who have spoken since the revolution, of the unfortunate Queen of France, he vindicates her from the grosser imputations upon her private life; but confirms, at least indirectly, the levity of conduct by which she provoked them. She not only encouraged the freedom and frivolity of the vain and licentious flutterers, generated in the corruption of a court, who were constantly around her, but took cognizance of their profligacies,—she had the indiscretion to encourage or connive at the impertinence with which the court coxcombs and favourites who composed her chosen circle in the apartments of Madame de Polignac, forgot their respect to her husband and their sovereign. Louis XVI. frequently joined these parties in the evening, but retired invariably at ten o'clock. Such was the impatience to be rid, and the little account made of him, that the hand of the clock was secretly pushed forward to his hour; and upon his retirement all reserve was thrown aside, under the auspices of the young Count d'Artois, said to be the lover of the beautiful Madame de Polignac, the mother of the late and last minister of Charles X. This unfortunate king, and his unfortunate minister, are supposed to be attached to each other by more than common ties. The fatality of the name of Polignac to the elder branch of the Bourbons, is a more curious fact. Most historians of the revolution have represented the court schemes, prepared in the apartments of Madame de Polignac, among the proximate causes of the ruin of Louis XVI.; whilst her

son, after the lapse of forty years, has had the chief share, by a similar fatality, in overthrowing the throne of his brother. Tilly gives the following sketch from his first impression of one who may be called the rival of the Queen of Scots in misfortune and beauty.

" Marie Antoinette shone at this time in all her splendour. I had heard much of her beauty; but, I never, I confess, was entirely of that opinion. She had that which, on the throne, was better than beauty—the countenance of a Queen of France—even at those moments when she thought only of appearing a pretty woman. Her eyes were not fine, but they could express every character. The extremes of kindness and aversion were painted in her looks, beyond anything I have ever seen in others. I am not quite sure that her nose was that which should have been joined with her other features; and her mouth was positively disagreeable. That thick, prominent, and somewhat hanging lip, which gave, it was said, to her physiognomy, a character so distinctive and noble, could express only anger or disdain;—and this is not the expression habitual to beauty. Her skin, her neck, her shoulders, were admirable. Her bosom might have been less ample, and her form more elegant; but I have never seen hands and arms of such faultless sculpture. She had two distinct styles of personal carriage—one, firm, rather quick, and always noble—the other, soft, waving, and I had almost said caressing—but never inspiring the want of respect. She could distribute to ten persons their due with a single movement, and a single look;—in this she was unrivalled. In a word, the same impulse which bids you hand a chair to another woman, would have bid you move her throne towards Marie Antoinette."

Were "the manners of the age at the close of the eighteenth century," to be judged by these memoirs, the court of Louis XVI. would, we have said, be reduced almost to the level of that of Claudius. It may be right to give at least one illustration. M. Tilly, one night on his way home from a tavern, alone and on foot, is accosted in the street by a woman whose advances he at first rejects. Something, however, in the tone of her voice induces him to change his mind. She intimates that she is not what he takes her for, and puts the case to him thus pithily—"Vivez-vous dans la rue, parceque vous vous crottez?" This argument, the whiteness of her hands, and her disinterestedness, shake his previous belief, and at parting she gives him an admonition:—"Sachez toujours réprimer un premier mouvement." The caution was most à-propos. Dining next day at the table of the Prince De Montbarri, he beheld the heroine of his adventure in a Countess, whom he has for once the grace not to name or indicate.

The intrigues and lives of actresses and opera dancers at this period, displayed an unparalleled extent of depravation and

prodigality. Theatrical courtesans were become a sort of new estate in the realm. They consumed half the fortunes and ruined half the families, whether ancient nobility or wealthy *parvenus* in the court and capital. They vied with the most opulent and proud in the luxury of their establishments. Their quarrels amongst each other—their jealousies, whether of gallantry or the green room—were settled by a great officer of the crown, or the head of the magistracy. When refractory, they were committed as state prisoners to the bastille—when they reappeared, the sensation was as great as if on them depended the safety and glory of France.

This could not endure for ever. The revolution came, and swept away the guilty and the innocent in one common ruin. M. Tilly, “a devoted royalist,” had yet “relations with Robespierre,” and “shook the bloody hand of Danton;” but was marked out for the guillotine by Condorcet, “because he had written against him;” and by Cabanis, “because he had on one occasion differed in opinion with him.” They who can believe this must know little of the real characters of Condorcet, Cabanis, and Tilly. He, however, escaped to England, where, like so many other adventurers who fled or pretended to fly from the revolution, he attended the levees of Edmund Burke, and, like all foreigners who have impudence and titles, he obtained access to society. The following sketch of a London beauty, famous in her day, is not without interest:—

“I cannot pass over (he says) a woman at this time so distinguished that she may be called the Queen of London. Beauty, fortune, birth, rank, personal accomplishments, the graces of mind, manner, and a character peculiarly her own, obtained her an ascendant in society which no one contested. It was the Duchess of Devonshire. I met her, for the first time, at dinner; I was struck by her whole attitude, her dignified yet graceful deportment, her style of presenting herself, and the superfluity of charms with which she was in some sort environed. She kept the dinner waiting till near seven, yet had she arrived sooner, she would have produced effect. I knew her foible, and forgave it; on beholding her.”

His character soon became known in London, and he was excluded from all society but that of a *ci-devant* English countess then bearing a foreign title. The gallant count in one of his chapters gives a serio-comic vindication of corporal punishment, as necessary in the relation of lover and mistress; and as a practical illustration of his doctrine, whilst subsisting on this lady's bounty, he is said to have chastised her

with a horsewhip in her own park. From England he went to the United States, where he clandestinely married a young and artless girl, in whose family he was hospitably received. This, though a breach of confidence, might yet be palliated; but what can be said of him who misnamed himself in the marriage register, as an artifice to release himself if the marriage should prove unprofitable, and who bartered back his wife to her family for a sum of money and an annuity for life. We will avoid the hazard of giving pain, by not mentioning names, or entering into particulars. His next exploit was at Berlin, where he seduced an unhappy victim, who drowned herself in despair or madness; and last of all, as we have already said, he destroyed himself at Brussels.

The French emigrants in England received and merited commendation for their general conduct; yet, assuredly the purity of English domestic morals must have suffered by contact with the French emigration. All it is true were not Tillys, and few were so bad, but all were brought up in the same school of morals, and the humble but laudable exercise of their acquirements and talents for a livelihood, gave them opportunities within the domestic circle, the more easily abused, that the intercourse of the innocent and young in England is so much more unwatched and free. The contagion, however, could not have extended far, and the time is long gone by.

But another question naturally suggests itself—have English morals gained or lost by the migration of high and low into France, and particularly to the French capital, at and since the peace of 1815? The revolution unquestionably produced an improved morality in France—it generated an educated and independent middle class, between the nobles and the people, unknown before, and it has brought the higher orders under the controul of opinion. Yet we doubt whether the mere *bourgeois*, as they are called, were improved in morals by the revolution. At that epoch of licence and levelling, the citizens' wives and daughters took up the finery and depravity of the *noblesse*, as one of the conquests of republican equality.—Before that epoch a *bourgeoise* who appeared painted or bedizened, would have been hooted by the populace. “Une femme à pied dans une pareille équipage,” says Rousseau, “n’est pas trop en sûreté contre les insultes de la populace.”

“ *Ces insultes sont le cri de la pudeur révoltée, et dans cette occasion, comme en beaucoup d'autres, la brutalité du peuple plus honnête que la bienséance des gens polis, retient peut-être ici cent mille femmes dans les bornes de la modestie.*” No Englishman who observes and compares can resist the impression, that whatever the French nation may be, Paris is an immoral capital. Admitted within the threshold of society, he finds intrigues of gallantry the great staple of conversation, as if they were business of life. An acquaintance with the town discovers to him sensuality reduced to system—governed by a certain conventional decency, and a certain economy of fortune, health, and time. London, it must be admitted, teems with vice and crime,—and the wealthy, who are there so numerous, can be as sumptuously profligate as they please. But in London there is a barrier between the degraded and the honest of the sex. Vice in London presents her face ungauzed—in her deformity—and debauchery is so intemperate and coarse—so prodigal of fortune, health, and character, that it destroys, or degrades, its victim after a short career, or else it becomes revolting after the riotous animal spirits of youth have evaporated. It is a maxim in England, that a reformed rake makes the best husband. We will not answer for its truth; but we assert, that in Paris a rake is never reformed. It is not necessary he should. Vice is there refined and veiled, so as to shock neither the individual himself, nor the world. The reputable and disreputable of the community are separated by no distinct line of demarcation. In London this boundary is universally, if not strictly observed.

There is doubtless in London a greater prevalence of intemperance and orgies. This we think may be in part ascribed to the exclusion of evening visits. In Paris one may make an evening visit unasked, on mere acquaintance. The luxuries and ostentation of eating and drinking, which seem the main object of evening society in London, are there subordinate, or little thought of. But still this restricted English system of evening society, whilst it promotes coarse dissipation abroad, keeps the domestic circle but the more pure at home. The wives and daughters of England cannot return improved from a residence in Paris. There are few circles into which a modest Englishwoman, with merely English

habits, could advantageously be introduced. The women of France mingle with the men in the conversations of the world on an equal footing—Frenchmen, and Frenchwomen; will talk freely of the intrigues of the opera dancers, and discuss chastity and “the senses,” like philosophers, without further transgression. An Englishwoman, laying aside her national reserve, and indulging in a new licence, will not know, with the Frenchwoman, how and where to stop.

But we must guard ourselves against being misunderstood.

Englishmen in France, deceived by the frank and familiar tone of Frenchwomen, have sometimes formed notions and made representations of their general conduct, alike vulgar and unfounded. No women, we believe, of any country, know better when and how to make themselves respected. Their conjugal infidelities are not more frequent than elsewhere, and the fault (we assert it in all seriousness) should be charged upon their husbands. Every Frenchman affects gallantry, makes a declaration to every woman he meets, sets the example of seduction to his neighbour, and of levity to his wife, and has little right to complain. We again disclaim imputing to Frenchwomen infidelity as wives—We judge them, on the contrary, tender, generous, and devoted. But the man who possesses the hand of a Frenchwoman without her heart, or who having gained her heart no longer prizes it, is, we think, somewhat exposed to what they pleasantly term the common lot.

## ARTICLE II.

*A Journey from India to England, &c., in the Year 1817.*  
By Lieutenant-Colonel JOHNSON, C.B., 2 vols. London : 1818.

*Personal Narrative of a Journey from India to England, &c., &c., in the year 1824.* By Captain the Hon. GEORGE KEPPEL, 2 vols. London : 1827.

*Travels from India to England, &c., in the years 1825-6.*  
By JAMES EDWARD ALEXANDER, Esq., 2 vols. London : 1827.

*Narrative of a Journey into Persia, &c., in the year 1817.*  
By Captain MORETZ VON KOTZEBUE, translated from the German, 8vo. London : 1819.

*Fifteen Months Pilgrimage through untrodden Tracts of Khuzistan and Persia, &c., &c., in the years 1831 and 1832.* By J. H. STOCQUELER, Esq., 8vo., 2 vols. London : 1832.

IF Persia and the Persians are not as well known to the home-keeping portion of the English people as France and the French, Italy and the Italians, or Holland and the Dutch ; if the road from Bushire to Tehran, and from Ispahan to Tabreez, be not as familiar to us as that from London to York, or from York to Edinburgh, it is not, one might suppose, for lack of routes, and journals, and notes, and pilgrimages, to describe them ; for, not only are there many travellers of an earlier æra, who give excellent accounts of the country as it was in their day, but there are abundance of voyagers of our own time, who have obligingly favoured the public with the result of their observations on their respective routes, as witness the goodly list of names at the head of this article ; yet, notwithstanding all these means of information, it is singular how little is actually known to the great mass of the well informed British public, regarding the country and people in question ; for we verily believe, that were the situation of Tehran, or Mushed, or Tabreez, or Hamadan, or any of the principal cities or districts of Persia, or were any characteristic of its people, to become a question in any company of a dozen or twenty persons, there would not, unless it were by mere



accident, be found two, probably not one out of the whole number, qualified to inform the rest, or even to state in what country the said city or district was to be found.

To what are we to attribute this ignorance, this utter want of sympathy with, or curiosity regarding, a country so interesting in its localities, so prominently important to the British nation in every point of view, geographical, political, and commercial, and so fast rising in consequence? How comes it that a land so celebrated, so associated with our boyish recollections as the proper soil of wonders and adventures, and with those of our youth as the classic ground of so many and momentous historical events, of such surprising revolutions, should still, to the great intelligent majority of these realms, remain an unknown region—a nation whose condition or destinies create less interest in the people of England, than those of the natives of Timbuctoo, of Bornou or Caffraria, or of the skin-clad savages of North America?

Assuredly we English are, in some respects, a singularly capricious and inconsistent people; slaves of fashion and of impulse, rather than judicious followers of reason and sound principle. What but fashion and caprice is it that directs so large a share of national talent and wealth to the exploration of regions, and the determination of points of at least questionable practical utility, while so much remains to be done that would redound equally to the true interests and honour of the nation, and to the general improvement of a large portion of the human race?

We might without much trouble produce many sufficient instances of the national inconsistency in this respect; but having already expressed our own feelings regarding it, and exposed it to the attention of the public in a late article\*, we shall not again expatiate on the subject, but proceed to consider what, besides the effects of fashion and caprice, may be the causes of this strange indifference to Asiatic, and more particularly to Persian subjects.

The interest likely to be excited by Persia, and Asiatic subjects in general, in the minds of the great majority of Europeans, is, for the most part, that arising from their

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\* Article 8, No. II.

associations with antiquity ; a recollection of the mighty deeds and extraordinary events of which these countries have been the scenes. Now the degree of this interest will naturally be regulated by the accessibility of, and consequent facilities of acquaintance with these countries, the degree of obvious connection they retain with the events of former days, and the extent of visible remains which they possess, to draw the mind, by these impressions on the senses, from the ruined present to the brilliant past.

Were Italy and Greece as difficult of access to us, as Persia and Mesopotamia—were the countries themselves as in attractive—were the histories of Greece and Rome as imperfect as those of Media, and Parthia, and Babylon—and, perhaps more than all, were the vestiges of ancient greatness and splendour in these more classic lands, as rare and slight as those in the plains of Chaldea, or in the mountains and valleys of the ancient followers of Zoroaster, we should in that case doubtless have much less enthusiasm about, or even of interest in those “climes of the unforgotten brave,” which it is now a disgrace not thoroughly to know, and almost an imputation on the character of a traveller, not to have visited. But so ample are the existing records of these great empires, and so well have the feelings and the habits, even the very spirit of their people been preserved, not only in their writings, but in the splendid monuments of their taste and magnificence which still exist, that the haunts of the mighty dead seem still tenanted by their shades, and one can scarce traverse the Roman forum, without looking round for a Brutus, a Scipio, a Pompey, or a Cæsar ; nor ascend the Acropolis of Athens, without half expecting to meet with the ghost of a Solon, a Miltiades, or a Themistocles, upon its summit. We are familiar with every former actor on the once busy scene, and both enthusiasm and curiosity are maintained by a never failing supply of food : a thousand adventitious circumstances have, in these latter years, conspired to keep up this excitement, and the facilities of travelling have induced so great a proportion of society to explore the most interesting scenes themselves, that those who were not able to do the same, have found it expedient to make themselves acquainted from other sources, with what has excited so general

an interest, in order to keep pace with the current of the time, and protect themselves from the charge of Gothic ignorance.

Far different is the case with Asia. Doomed to be the victim of a worse than Gothic inundation—of a deluge of bigotry and violence that not only swept away all traces of former cultivation and literature, but destroyed every authentic document by which the loss might have been estimated; faint and imperfect, indeed, are the records of its former condition, and the little light that glimmers on the dark retrospect, is reflected from the brighter historic pages of those more fortunate countries with which it once held intercourse.

A like fate has attended its monuments of magnificence and art. Constructed of materials less permanent, in general, than those of Greece or Rome, the greater part have been swept away by the stream of time, or the storm of violence, save those few which have been engraved on the imperishable rock, or which, like Persepolis, have bid even a haughtier defiance to the destroyer, than those of classic lands, and still rear their hoary relics in the desert, to amaze the traveller.

Traverse the plains and mountains of Persia—what remains do we trace of the works of Cyrus and Darius? Where are the vestiges of grandeur in the wreck of those mighty satrapies that yielded them obedience? Range the desert of Mesopotamia, and what is there to mark the power and dense population of that once favoured land? Look around from the lofty mount of fire-scathed brick and potsherds that is held to be the sole remains of that enormous pile which impious man raised in mad defiance of his Almighty Creator, and say, where are the traces of the “Glory of the kingdoms”—of the “Great Babylon,” which the presumptuous Nebuchadnezzar declared to have been built “by the might of my power, and for the honour of my majesty?” It is certain that the traces which connect the future with the past, are comparatively faint and unimpressive in Asia; while the long space of intermediate ages has little left to mark it, but a bloody and disgusting catalogue of atrocious deeds—the triumphs of tyranny and despotism—illuminated at distant intervals by a transient flash of glory, or still rarer and more fleeting gleams of individual justice and humanity.

The prospect thus becomes unpromising enough to disgust

the mass of mankind; while, in addition to this, the difficulty and danger which has always attended Asiatic research, together with the uncertainty of reward, even in case of success, has tended greatly to repress the ardour of inquiry, and the enthusiasm of travel; for few men are disposed to encounter toil and privation, and still less the risk of having their throats cut by a roving Arab, a fierce Koord, or a Toorkoman robber, without the prospect of fame or profit. Thus, the only means of keeping interest alive in the public mind have failed, from lack of encouragement; and the adventurous spirits, who, if cheered by the hope of applause, might have laboured in the East for the information and improvement of their countrymen, have turned their talents and intelligence into other channels. Thus, too, does it happen, that the contributions which are laid before the public in these days, contain, for the most part, so little comparatively of value; for what are they, in general, but the sketch of some overland route, with such crude observations as the traveller, probably quite ignorant of the language, may have been enabled to scrape together, during the four or five months which his journey and residence, taken together, may have occupied; and what can be the value of such observations, or of the deductions drawn from them?

That imperfect knowledge is one cause of the indifference of which we complain, is beyond doubt; for who can be deeply interested in a subject which he does not comprehend. If the little we know, or have heard of the East, be associated with ideas of magnificence and romance, is it wonderful that we should turn with disappointment from the monotonous narratives, or dull lucubrations of an ill-informed traveller, and refuse to recognise, in his meagre description, the fairy land of our youthful fancy?

It is true that Sir William Ouseley, who accompanied the mission of his brother in 1810, had more extensive opportunities of collecting information, and that gentleman has accordingly produced three ponderous quartos. Sir Robert Kerr Porter too, went forth to travel in Persia; and, in like manner, gave birth to two massive volumes. But, with the exception of some learned disquisitions of small practical utility in the first, and the best drawings extant of the sculptures at Persepolis, Naksheerustum, Bessitoun, &c. &c., in the second, we may venture

to doubt if any five tomes of equal bulk that have issued within the same period from the English press, contain a smaller portion of new, or generally interesting matter.

With such comparatively defective sources of regular information, it is not to be wondered that the British public should be imperfectly acquainted with Asiatic countries, for it is only they who really thirst for knowledge who will seek out the more hidden springs of instruction ; but is this appetite general ? would that public appreciate more accurate information, if placed within their reach ? We fear not—if they would, it lies with themselves to procure it. Let but the demand appear, and the supply will rapidly follow. But, in the meantime, we fear that the index of national curiosity does not yet point eastward—that there is still too much truth in the severe remark made not long ago in parliament, “that a row with the new police, and a broken head in Calthorpe Street, would excite a greater sensation in England, than three pitched battles, and the slaughter of fifty thousand men in India !”—a bitter sarcasm upon a nation possessed of an hundred million of Asiatic subjects ! And if such be the case with regard to India, what hopes has Persia of attracting attention ?—The plague might desolate it—famine eat up the poor remains of plague—and an earthquake engulph the depopulated land, without creating a sympathetic emotion in a dozen English breasts. Is this as it should be ? Are these fitting sentiments for British hearts ? We trust that it will not long continue thus—we trust that the generous sympathies of the nation may be roused by the cry of distress, ere it be too late for assistance—ere the interests of Britain, as well as of Persia, be finally sacrificed, and another victim delivered over to the tender mercies of the Northern Moloch.

In the general observations we have made regarding the bulk of Oriental travellers, we by no means would be understood to include the labours of those intelligent officers, whom the genius and foresight of the late Sir John Malcolm sent forth to collect that information of which he comprehended the full importance, and in which we are still so miserably deficient. Still less can we be supposed to mean any reflection upon the very interesting narrative of Lieutenant Burnes, to whose enterprise and industry we owe nearly all

the accurate information we possess, regarding most of the countries through which he travelled ; and while we trust, that the success which has attended that expedition may induce the East India Company to persevere in the course that has been so happily commenced, we would express a hope, that the English government and English people may be awakened to a sense of the importance of such inquiries, and afford that encouragement and assistance to adventurous spirits, which alone is wanting to lay open the whole of Asia to the researches of the philosopher, the speculations of the statesman, and the enterprise of the merchant.

Of the five works placed at the head of this article, there is not one, of which the portion of the narrative applying to Persia occupies more than a space of five months, and each is confined to a single line of route, some of them going over the same ground as others. The two first are those which will afford most instruction and amusement.

Colonel Johnson, an officer of the Bombay establishment, and his friend Captain Salter, purposing to return to England, preferred a route overland, which promised considerable amusement and interest, to the monotony of a long sea voyage ; and embarking at Bombay, on the 15th of February, 1817, for the Persian Gulf, landed at Bushire on the 8th of April ; from whence they proceeded by way of Sheerauz, Ispahan, Tehran, and Tabreez, to Teflis, and thence through part of Russia and Poland, home. The Colonel's narrative is plain and unpretending, varying little from the journal form in which he informs us it was originally written ; telling exactly what he saw, as it appeared to him, and interspersed with such observations or reflections as the subjects brought to his notice naturally suggested.

His object, he informs us, was principally to afford such information to the public, and to his brother officers in India, who might desire to follow his example, in particular, as might assist them to perform the journey with economy and comfort ; and accordingly, we find instructions, and lists of prices of various articles, as he proceeds ; and the appendix contains a minute itinerary of stages and distances, embracing the whole way from Bushire to Hamburgh, with a sufficiently specific detail of expenses from Bombay to London. The Colonel

gives us a useful and unaffected description of the country through which he passed ; and though the tone of mind which breathes through the narrative be somewhat over-sensitive at times, and colours it here and there with a shade of gloom, it is the sober hue given to strong feeling by the sad realities of life, rather than any touch of moroseness or spleen. Who, indeed, possessed of much sensibility, can view the desolate barrenness of Persia, after having dwelt on the happy and smiling fruitfulness of India, without experiencing a depression of spirits—an aching sense of disappointment.

Instances of the tone to which we allude, occur in several places, as for instance at pages 37, 85, and 97, where the Colonel speaks of and describes the misery of the Persian poor—we believe the picture to be in some respects overcharged, for certainly the houses of the Persian peasantry, mud-built though they be, are warmer, and more replete with comfort, than the hovels of many European nations ; what are they for instance in point of misery and filth to a black Highland bothy, or an Irish turf cabin ? But well can we enter into the Colonel's feelings, when, after describing his sensations at the sight of a multitude of miserable objects, he goes on to remark—

“ If to these painful emotions, we add the anxieties felt for those who are most dear to us, and who may possibly want either advice, protection, or comfort, which we are at too great a distance to administer, it must be concluded, that travelling is by no means so enviable a pastime as the perusal of travels by a comfortable fireside may represent it to be. To one who has a family, the distresses of children are peculiarly afflicting: for while, detached from every domestic tie, he sits a lonely stranger in a caravanserai, his mind naturally dwells on the recollection of them, and yields but too easily to despondency. It is in the evening, that those melancholy reflections chiefly obtrude, and have the deepest influence ; a fact to which the experience of many travellers has borne testimony. The stillness of the hour, the increasing gloom, the fatigue after a day's journey, the thoughts of home, and its social comforts at this period of time, the consciousness of absence, and the sensation of insecurity in a strange country ; all these circumstances conspire to depress us when in health, and are doubly formidable in case of indisposition.”—(p. 97.)

We believe that there is no practised traveller, who will not assent to the truth of these observations.

With like painful feelings does the Colonel advert to the desolate and oppressed condition of the country, as may be observed at pages 89, 100, 152, and other places ; but it is obvious that the period when he travelled must have been

one of uncommon scarcity and misery, for the prices of articles of food which are quoted, stand enormously above what they have been in common; and he mentions more than once having observed women and children digging roots out of the earth, and eating them, to appease hunger: this occurred particularly near Sô. The Colonel, by the way, mentions his having been struck by observing that the majority of travellers near that place went about unarmed, from whence he infers that there could be no apprehension entertained for thieves in the quarter. This is but one proof more of the ease with which a mere passing traveller, however intelligent, may be deceived as to facts, by appearances; for we believe there are no two stages on any frequented road in Persia, more infested by banditti, than those from Moorchakoor to Kohrood. The whole way is open to the Buchtiari hordes of the neighbouring mountains, besides other professional robbers, who constantly plunder caravans and attack travellers, as certain gentlemen of the suite of Sir J. Macdonald had good cause to know; and though the comparative vigour of the late Sudr-Ameen's government might have rendered such instances rare at the precise period in question, the district could never properly have been termed secure—of late it has been particularly dangerous.

After a stay of six days at Tehran, during which he had the happiness of "kissing the dust of the feet of the king of kings," Colonel Johnson and his friend proceeded by the usual route to Tabreez, near which they diverged a little from the road, for the purpose of visiting General Yermoloff, who was then on his way as ambassador-extraordinary from the court of Russia to that of Tehran. They found that distinguished officer at the head of the most splendid mission perhaps that ever entered Persia. According to our author, it consisted of the general himself, two counsellors of embassy, and about thirty officers; a physician, a painter, a surveyor, twenty-four Russian troopers, Cossacks, Circassians, and others. Captain Kotzebue, who accompanied this embassy, and who has described it in the work mentioned at the head of our article, gives a yet more imposing list; as, besides the ambassador, he enumerates two counsellors of embassy, and three others, attached as secretaries, commissaries, &c., a



colonel-marshal of the mission, its treasurer, a major, four diplomatic attachés, two princes on the staff, two aides-de-camp, a colonel, two captains, and five subalterns of the suite ; a superintendant of police, a painter, a physician, and apothecary ; a confessor, two lieutenants Feltyagres, five lieutenant-interpreters, a maître de chapelle, a titular counsellor attached to the court cabinet, a Kabardian prince with eight followers, five cooks, twenty-four grenadiers, twenty-five regular and twenty irregular Cossacks, thirty musicians, and the domestics of the gentlemen of the embassy ; in all, about three hundred persons.

Now this is doing things in style ; and we fear that our most splendid missions would sink into petty affairs before this imperial display. No doubt there was policy in the measure. Well did the long-sighted court of St. Petersburg understand the effect of splendour and a display of power upon Orientals, and particularly on the Persians ; this was one link of that chain of measures which, commenced by Peter the Great, had for its object the subjugation of Persia, and general aggrandisement in Asia—an object hitherto but too successfully pursued ; and while it speaks volumes for the name and character which Great Britain has acquired in the East, it says not a little for the judgment and discrimination of the Persian monarch,—we may add, for the good sense and discernment of the nation at large,—that the quiet, unassuming missions of England have as yet been able to maintain the influence, and, in no small degree, the interests of the nation, in spite of a weak and vacillating policy at home, against all the efforts, the magnificent embassies, the insidious intrigues, the bribery, the flattery, and the force of Russia.

It appears, that not even a passing traveller like Colonel Johnson, could fail to perceive the projects of Russia in Asia, and particularly as directed against India, a country he had so recently left ; but we cannot help being struck by the singularly mistaken view which he appears to have taken of the policy of that power towards her conquests, as set forth in his inserted observations at page 201 et seq. ; a view which was obviously pressed upon him by his hospitable, but able and calculating entertainer, the General himself. “ It is a very important feature in the policy of Russia,” says the Colonel,

“ that individuals of every nation, either allied with, or  
 “ dependant on that power, are eligible to public employments,  
 “ and may be promoted to the highest offices in the state.  
 “ General Yermoloff, to prove to me how prevalent was this  
 “ policy, specified several instances of it, and declared that, in  
 “ all Poland, there were not more than four Russians employed  
 “ publicly by the state, including the Grand Duke Constan-  
 “ tine himself, though he held his court in Warsaw, the  
 “ capital.” How admirably the principle of this liberal  
 policy has been illustrated, in the late conduct of the present  
 autocrat towards that unhappy country, and in particular,  
 how brightly it beams forth in the temperate and most con-  
 ciliatory speech, delivered but a few weeks ago by the said  
 illustrious person to the deputation from the municipal body at  
 Warsaw, Europe will judge.

We are less indisposed to agree with Colonel Johnson in his  
 strictures upon the very opposite system pursued hitherto by  
 the British government in India, and to express our hope and  
 belief that the amended principles of policy and legislation  
 which characterise the late Act for the new charter, may, in  
 due time, produce the most beneficial results; but we must  
 smile again, when we find him placing the conduct of Russia in  
 favourable contrast with our's, as follows:—The “ Russian go-  
 “ vernment, on acquiring any new possession, as Georgia, for  
 “ instance, thenceforward to form part of the empire, are  
 “ very careful not to disgust the principal people whom they  
 “ find invested with power, or holding any confidential employ-  
 “ ment previous to the cession. They do not displace esta-  
 “ blished functionaries to make way for Russian minions and  
 “ court favourites; on the contrary, they leave them all, *as in*  
 “ *the instance of Poland*, in possession of their offices, with  
 “ very few exceptions, arising from the change of system; and  
 “ thus they encourage rather than frustrate the views of ambi-  
 “ tion and future pre-eminence, by which the various indivi-  
 “ duals in public situations are actuated. In fact, they offer  
 “ them protection, and open a larger and more favourable scope  
 “ for their exertions, by holding forth the prospect of honour-  
 “ able and advantageous situations under a government more  
 “ powerful than that whose interests they had originally  
 “ espoused. Through these *gentle and prudent measures*, the

*" acquisition of a new territory is effected with very little excitement to the feelings of its people, the mass of whom, observing no adverse change in the course of things, are scarcely conscious of this silent transfer of the reins of power."*

Gentle and prudent measures, indeed! Mighty little excitement to the people! and admirably applied is the whole passage to Georgia, exhausted and depopulated, where the people never let slip an opportunity of showing their disposition to revolt; and to the Circassian provinces, in which Russia has lately, and is even now, waging a war of extermination; where she possesses not a foot of land beyond the range of her muskets; and through which Colonel Johnson himself was forced, like others, to travel under the protection of a large party of regular infantry, accompanied by a gun and tumbril with a lighted match!

The Colonel, after a rest of some four or five days at Tabreez, during which time he had an interview with the Prince Royal, the most affable of all the Persian princes to Englishmen, and saw the fortifications, arsenal, &c., at that place, left the capital of Azerbaijan for that of Georgia, where he arrived on the 9th of July. He experienced, like every one else who has tried it, the inconvenience and delay attendant on travelling as a guest of the Persian government; a civility not only nugatory in itself but embarrassing to the traveller, whom it fetters in his efforts to assist himself, and places in an odious point of view to the villagers, from whom, by foul or fair means, his means of subsistence, and often of progress, must be derived. We observe, too, that the Colonel in his passage across the heights of Aberân, and his intercourse with the rude and sullen tribes of plunderers that inhabit them, was not more fortunate than other travellers, of whom we have heard.

It does not fall in with the scope of our purpose to accompany Colonel Johnson in his further journey from Teflis to Hamburgh, though his readers, we are convinced, will be pleased with the description of his passage through the Caucasus, and cordially sympathise with him, as we do, in the villainous treatment he received in the quarantine of Srednoi-Egarlic. Nothing can be more inconsistent than the principles and practice of these sanatory establishments, and nothing assuredly

more distressing and vexatious to the traveller, than the causeless delay and unnecessary annoyance he meets in them. But there may be more objects than the exclusion of mere physical contagion to be attained by these cordons. The Russian government is too quick-sighted and politic ever to swerve from the laws of courtesy and civility to strangers, without good cause. These Russian quarantines and their vexatious rules, form one of the greatest obstacles to the overland journey by this route; but with regard to the station in question, we believe its accommodation has been improved, and the rules are certainly not at all times so strictly enforced as they were in the case of the Colonel and his friend.

Seven years after the journey of Colonel Johnson, the Hon. Major Keppel travelled from India to England by Bussora and Baghdad, Kermanshah, Hamadan, and Tehran, to Tabreez. From thence, making choice of a new and untrodden route, he passed through Karadaugh, Karabaugh, and Sheerwan, to Bakô; along the western shore of the Caspian sea, by Derbend, to Astracan; and from that city, by Neijny Novogrod, and Moscow, to St. Petersburg. Major Keppel's narrative of this journey, which is written in a very lively and unaffected manner, displays a kindly disposition, and a mind at peace with itself and all the world; while, at the same time, it evinces an acuteness of observation and of judgment, which is the more valuable, because free from all pretension. We are convinced that the reader will derive both amusement and instruction from his work; but as the time occupied by the Persian part of the journey, from the author's landing at Bushire until he crossed the Russian frontier at the Arras, was barely four months, it is impossible that he could, as regards that country, have done more than faithfully report all he heard or saw. This, we are persuaded, he has done, and are rather surprised, that the mistakes he has made are so few, than that we should sometimes detect him in error.

The reader will be gratified with many a graphic sketch of occurrences during the voyage from Bombay, at Muscat, and on the way from thence to Bussora. We were much amused by the Arab pilot, who, after a most imposing display of self-sufficiency, through obstinacy and ignorance, ran the ship aground near the mouth of the Shut-ul-Arab, (which means

the "river of the Arabs," not "the boundary of Arabia," and who, when called to account for his misdeeds, exclaimed, in an ecstasy of terror—"If it be God's pleasure that the ship "should go on shore, what business is it of mine?" We were delighted with the French Topechee Bashee (commandant of artillery) at Baghdad, with his Napoleon button, his cross of "Louis le Désiré," and Turkish shulwars; his Gallic eyebrows, and his inimitable "pardonnez!" And we sympathise with the author's sufferings, under the *disinterested civilities* of his Armenian host at Baghdad; and cordially unite in his advice to travellers to avoid all such costly accommodations, and embarrassing surveillance, as results from the officious attentions of such personages.

It forms no part of the task we have prescribed to ourselves, to examine Major Keppel's account of the remains of ancient Babylon; but we cannot avoid signifying our accordance with his idea, that the vitrified masses of brick-work, which are found at the foot of the standing fragment on the summit of the Birs-e-Nimrood, indicate that the place was destroyed by fire; and as no heat sufficient to vitrify such masses, could possibly have been applied by human means at the great elevation of the position they must have occupied, there is strong grounds for believing that their destruction must have been effected by "fire from Heaven." The unscathed condition of the brick tower beside them, seems to confirm this idea, by the proof it affords that there was no general conflagration of the place; for this partial combustion is exactly what is every day remarked as the capricious effect of lightning.

Our author is less correct in his account of the tree which is found on the heap of ruins, called the Kasr, and supposed to be the remains of the celebrated hanging gardens. The tree is a species of Tamarisk, and the tradition regarding it is, that it sprung from a pin thrust into the ground by Allee, after the battle of Hillah, for the purpose of tying the bridle of his horse to; and that in one night it grew to its present size, for the purpose of sheltering that holy person, who had lain down to sleep beside his steed. The Persians, therefore, kiss and rub their faces on the tree, and regard it as sacred.

In traversing the ruins beyond Bakouba, which Major Keppel supposes to have been those of Artemita, but which

others consider as those of Destagird (Descara of D'Anville), he appears to have fallen into the error of taking the mounds of ancient canal banks, for those of the houses that once formed the streets. This was not an unnatural mistake, if the Major did not know that all over that part of the country, as well as most of Mesopotamia, the *bottoms* of the ancient canals are on a level with the surface of the land, and not dug into the soil; so that the heaps that remain of their banks might easily be taken for the ruins of regular streets: particularly as in some places these canals are very numerous. No ancient city of these countries, any more than the modern ones, appears to have been composed of sufficiently substantial materials to leave continuous mounds, like streets. The name *Khurusteh*, which was given to these mounds by the Arabs, to whom Major Keppel applied for information, merely signifies "ruins," and is very generally applied to all such relics.

The Major is likewise mistaken in the name of the pass by which he ascended from Pool-e-Zohab to the high country of Kermanshah. It is called that of Gerrâ, or Kurrund, and the Greek arch, which he calls, "Pae Tucht" is the Tâk-e-Gerrâ, or Tâk-e-Khosroo. We must also call in question the etymology he suggests of his next resting place, Haroonabad, which he supposes to have taken its name from the celebrated Caliph, and wonders that no remains of that monarch's palace are to be found. We believe that the name of this village has no more to do with the mighty Al-Racheed, than any of the numerous Jafferabads to be found in Persia have with the no less illustrious Jaffer Beramooke, his vizier.

At Kermanshah, Major Keppel treats us with a striking sketch of another remarkable character, in the person of Moolah Allee, of Mendali, an Arab, who, for cold-blooded atrocity, might vie with the most accomplished Burker among our civilised murderers at home.

"He was one," says our author, "with whom murder, and every other crime, had long been familiar. There was nothing, however, in his appearance, to justify this supposition; nor in his features could there be distinguished any of those marks with which our romance-writers are wont to stamp the countenance of a murderer. On the contrary, his mild eye beamed with intelligence when he spoke, and his mouth was lighted-up with so pleasing a smile, that the diabolical matter of his speech was lost in attending to the pleasing manner of his delivery. His conscience never troubled him with 'air-drawn daggers';—he had a real one at his girdle, to be used as inclination prompted.

"Not many weeks before we saw this Moollah, he was one of the principal persons of Mendali, a Turkish town, near the frontier. In those days he was the bosom friend of Daoud Pasha, 'his best of cut-throats,' and most willing instrument of assassination. It was during his intimacy with the Pashah, that, on the day of some religious festival, he invited sixteen persons to a feast, and playing a confidential agent between each guest, caused every one of them to be put to death, himself giving the signal of slaughter, by plunging a dagger into the breast of the person beside him. Such feats as these we may find in the histories of savage countries. Among all barbarians, the virtue of hospitality, so vaunted, has rarely, if ever, withstood the excitement of avarice or revenge.

"It is natural to suppose, that a friendship between two such persons as the Moollah and the Pashah, cemented as it was by guilt, could not be of long duration. Accordingly, seventy of the Moollah's relations have fallen victims to the revenge of the Pashah: his father is chained in a prison in Baghdad, and 10,000 piastres are set upon his own head. He has not been backward in retaliation. Leaving Mendali, attended by several of his tribe, he sallied forth into the desert, attacked the Turkish caravans, and (to use his own expression) struck off, at every opportunity, the heads of all those wearing turbans (i. e. Turks). The women of the party fell victims to the licentious passions of himself and followers; and other brutal excesses were committed by these ruffians, that would scarcely be credited in our own country." \* \* \* \* "We one day asked the Moollah how he generally deprived his enemies of life. 'That,' replied he, 'is as I can catch them. Some I have killed in battle—others I have stabbed sleeping.' Another time we had the curiosity to examine his pistols, which, we often remarked, were studded with several red nails. On inquiring the reason, he told us that each nail was to commemorate the fate of some enemy that had fallen by that weapon. Observing us listen with much interest to this detail of crime, and taking for granted, that our attention was a mark of sympathy, he said, with an air of gratitude, 'How kind it is of you to enter so warmly into my pursuits!' \* \* \* \* 'How foolish,' said he, on hearing of a formal challenge passing between two European gentlemen—'How foolish is it in a man, who wishes to kill his enemy, to 'expose his own life, when he can accomplish his purpose with so much greater 'safety by shooting at him from behind a rock!' Unhappily, Moollah Allee is not the only Arab, nor the only Oriental, to whom these sentiments will apply, and to whom such deeds are familiar."

At Kermanshah they met the funeral procession of Mahomed Allee Meerza, the late warlike governor of Kermanshah, whose remains, more than two years after death, were to be carried for interment to Kerbelah, and were now attended beyond the precincts of the town by his son and successor, Mahomed Hoossein Meerza. The scenes described, in connection with that ceremony, are not calculated to impress the reader with a very exalted idea of the young prince's regard for his deceased father, any more than for the observances of his religion, or for common decency. One of the revellers on this singular occasion of festivity, was Solymann Khan Gouraun, a chief, then

young, of no small power and influence, for he could bring into the field five thousand well-armed men of his own tribe; and on emergency could command from others of the same faith (he and his tribe are *Allee-ullahoes*, who contend that Allee was an incarnation of the Almighty) full three times that number. Yet probably few better illustrations of the precarious condition of a Persian courtier can be found than the fortunes of this powerful chief afford. He was once ordered to be put to death by the late Mahomed Allee Meerza, for an unsuccessful attack upon a fort, and only saved by the intercession of Monsieur De Veaux, a French officer in the prince's service; and though made companion of the revels of his son, he was, by the orders of that prince, bastinadoed on the soles of his feet so severely as not to be able to walk for six weeks. Such treatment, with many other mortifications, not being calculated to secure the Khan's attachment, he entered into correspondence first with the late Prince Royal Abbas Meerza, and then with his son Mahomed, connected with the succession of these princes to the throne; which coming to the knowledge of him of Kermanshah, he resolved to get quit of so powerful an enemy. By pledging his most sacred oath upon a sealed Korân, for the Khan's personal security, he succeeded in inducing that chief to come to Kermanshah. On the first visit which he made to the prince, he was seized, thrown down, and had his eyes cut out upon the spot.

Passing through Hamadan, which, with Major Keppel, we believe has been satisfactorily proved to stand upon the site of the ancient Ecbatana, the travellers pursued the usual route to Tehran, which is represented as at that time leading through much sterile and forbidding country. They must surely have been imposed upon, when they tell us that a range of hillocks close to Robaut-e-Kereem, and within less than thirty miles of Tehran, was represented to them as being a haunt of *Bukhtiari* banditti.

The party did not remain more than ten days at Tehran, during which they enjoyed the honour of an audience with the "Point of Adoration of the Universe," and visited the ministers of the court, not omitting the well-known Meerza Abul Hussein Khan, once ambassador to this country. The Khan, who takes every opportunity of engrafting himself with the



English, introduced our travellers into the interior of his dwelling, where they enjoyed a transient view of some of the fair inmates of the harem.—Whether any of these might be of the progeny of the “fair Circassian,” whose charms no less than those of the Meerza’s beard, were noised about in England, does not appear; but some “pretty girls” lingered long enough to see and to be seen; and we observe that this is not the only occasion on which the gallant major was more fortunate than many a zealous admirer of beauty in catching glimpses of those treasures of loveliness which Oriental jealousy so cautiously conceals.

In the course of certain excursions to the palaces and places of resort in the neighbourhood of Tehran, they visited the beautiful village of Shemeroon, which stands at the mouth of a deep cleft in the Elburz mountains. The name of this village, Major Keppel, somewhat facetiously we presume, derives from *Shumâ* a candle, and Irân, Persia—quasi, “light of Irân.” Tradition, we believe, attributes the origin of this village to the descendants of Shummur, the hateful miscreant who inflicted the death-wound upon the son of Allee; from whence Shummeranee—an etymology which may possibly be equally false with the last.

The party pursued the usual route from Tehran to Tabreez; but it is not a little striking to find the country, from the former place to Casveen, has been described as the most populous they had seen in Persia, knowing, as we do, that various misfortunes and acts of oppression, but especially the frequent passage of troops, have of late rendered this once fruitful district an uninhabited waste.

Major Keppel remained but a few days at Tabreez, and then took his course, as we have already indicated, by Bakó and Astracan, to the capital of Russia. Regarding this part of the route we shall only observe, that, like the rest, it will be found interesting and pleasantly written, and well meriting the attention of such readers as may wish to take a rapid glance at a country very little known, the Major himself being, so far as we are aware, the only Englishman who has travelled it.

Captain Alexander travelled through Persia chiefly in the suite of Sir John Macdonald, who was appointed envoy to Persia, on the part of the East India Company, in 1824, but

who, from certain impediments and misunderstandings, did not proceed to the court of Tehran until 1826. The atmosphere surrounding a diplomatic mission on a considerable scale is not the most favourable for accurate observation; and though we have no great objection to the narrative of Captain Alexander, we cannot venture to promise the reader either as much of entertainment or information as he may extract from those of Major Keppel or Colonel Johnson. It has less simplicity and more pretension, which is not particularly well supported, either by novel facts or acute deductions; and the reader is occasionally startled by some assertion, or piece of intelligence, which reduces him to the belief that Captain Alexander must, in those days at least, have either been somewhat credulous himself, or expected to find his readers so. He tells us, for instance, that the Prince of Sheerauz having some years ago been irritated at the inhabitants of Kumauridge, on account of a robbery of certain presents destined for the royal treasury, had fined the village heavily, and enforced payment by the expedient of putting a man of them to death every day until the money should be forthcoming. He adds, that after several executions the villagers all fled—no wonder. But we will venture to say that no measure of so sanguinary a nature ever took place within the late reign. In another place, in descanting on the abundance of fruit to be found everywhere in Persia, and the fondness of the people for it, it is asserted, that *many of them will devour sixteen melons before breakfast!* We observed in the copy of the book which we were reading, a query in pencil at this part—"What might the size of these melons be?"—a very natural one we are sure it will be admitted.

Of looseness and inaccuracy, the instances are sufficiently numerous. We should not, for instance, have expected to hear a Persian scholar like Captain Alexander talk of the mountain of *Perizun\**, as that of the *old* woman, nor can we accept from him of "much water" as the translation of *khoondáb* (if any thing, the water of blood, or slaughter). We doubt his etymology of *Gil-pae-gah*, for *Gil* or *Goolpaegoon*. We plead guilty of dulness in not being able to comprehend his explanation of *wo-nishan*, and confess our surprise at hearing him mistake the title Salar (i. e. Sipah-salar) for a proper name, which he trans-

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\* The word is *Peerazun*, which does signify old woman.

forms into *Saliar*. It is absurd enough to hear of the Toorko-mans of the *karakouslo*, or *black sheep*, instead of *karagoosloo*, the black eyed, which is evidently the word meant (*karakom-loo* is "of the black sheep"); or to find it asserted that Azerbaijan, the Atropatena of antiquity, so named from the Satrap-Atropatenus, derives its appellation from being "the region of fire"—"the province in which the doctrines of Zoroaster first took root." But what are we to say when we see it gravely stated that the army of *Regulus* was impeded in the plains of Mogâm by the attack of a monstrous snake! really the zoological as well as the historical discoveries of the gallant captain are somewhat startling. In like manner, though the cases are more trifling, we find it loosely stated that Ispahan, instead of Mushed, is the great mart for turquoises, and that it contains 250,000 inhabitants, about twice as many as the truth. In one place he denies that the Persians are good horsemen, asserting that they stick in their seats entirely by the saddle, yet afterwards, in describing a hunting scene, he speaks of their wonderful and fearless feats, and calls them most courageous riders—the hunting scene itself is worthy of attention.

Captain Alexander appears to have had rather an unfortunate knack at getting into scrapes with villagers and peasants, and to have been most vigorous in punishing all defaulters on such occasions. It is no doubt well to be able and willing to take one's own part heartily at all times, but Indians, in their travels westward, are apt to forget that they have left the country of "black fellows" and "natives," and are no longer in a land of which they are the masters; and, maintaining towards Persians and Turks the same arrogant intolerance of bearing which is too often assumed by young men towards the milder and more passive inhabitants of Hindostan, become astonished and enraged when they meet with resistance from them. A little reflection would teach them, that on such occasions they only meet with their deserts, and that when they lose sight of the moderation and courtesy which all travellers should observe in passing through a strange country, they not only forfeit their claims to hospitality and protection, but commit a gross injury against the name and character of their own nation, which hitherto, and particularly in Persia, has stood high in the estimation of the natives. But Captain Alexander in those days was a young man, and an inexperienced traveller.

This is as obvious in his scale of expenses as in other particulars of his conduct, so far as he has afforded us the means of judging. Who for instance that reflected for a moment would have been led to set down two Tomauns (about a guinea) as the *usual* fee to the Dullák, or operator in a Persian bath—the principal, the cheapest luxury, we had almost said necessary, to every one, high or low, in that country, a sum we will venture to say at least four times as much as any European acquainted with the country would think of giving, and ten times as much as any Persian who has not a bath of his own would bestow. See what it is to travel in the suite of an Elchee! We are convinced that Captain Alexander is not now so green; and we doubt not that if it please the Almighty to permit him to return from his present perilous undertaking, he will produce a far better and more interesting volume than his “*Travels from India to England*.”

But if truth forces us to declare that we have been little edified by the labours of Captain Alexander, what are we to say of those of Mr. Stocqueler, to whom by some capricious chance it was given to traverse a very little known province by a route hitherto untrodden by Englishmen, and who has failed, of collecting a single piece of information worth having, or affording us one new fact, geographical, historical, or statistical? We took up his book with eager hope, but we have laid it down in utter disappointment.

Mr. Stocqueler's pilgrimage commenced in April 1831, with a voyage from Bombay to Bussora, from whence he intended to proceed to Baghdad, and thence to England, by the speediest route. But being met upon the river by accounts that the plague was raging at Baghdad, he returned to Bussora, which place was just upon the eve of being beleaguered by the Zobeir ulrába. Leaving, therefore, this city a second time, he proceeded to Mahumrah, a considerable sea-port of the Chaab country, and furnished by its sheikh with a guide, ascended the Karoon, by boat, to Ahwaz. But not having succeeded in satisfying this guide for his past services, he was attacked, by his agency or collusion, a little beyond that ancient site, and partly pillaged; but finally escaped back (downstream) to Mahumrah. After exhibiting there for some days as a physician, the sheikh sent Mr. Stocqueler with another guide, to Dorák,

or Fellahi, the capital of the Chaab-Sheikh, who received him courteously, and forwarded him to Bebahân, which place he reached on the 4th of June. A bribe to the vizier of the Prince of Bebahân enabled him, after some detention, to leave that town with guides and a party, the numbers or character of which are not described, in order to cross the Buchtiaree mountains to Ispahan. Of this very interesting, because perfectly novel route, he gives scarcely a particular. His party was plundered—a matter of course, no doubt, in those parts; but he appears to have suffered no other injury than loss of property from the robbers; and falling into the direct route from Sheerauz to Ispahan, at Komaisha, reached the latter city poor in purse and ill in body.

Sickness detained him in Ispahan for a month, after which he proceeded with a caravan to Tabreez, by a route, great part of which was entirely new, so far as we have heard, and which occupied him thirty days; yet the scanty observations in the text, which do little more than record his personal inconveniences, and the meagre itinerary at the end of the work, form the sum total of the information which this gentleman has added to our stock, although he takes care to let us understand, that "considering the ground was utterly unknown to our geographers, I did not fail to pay minute attention to its characteristics, and to the peculiarities of every village in the neighbourhood of which we halted." Now this being in great measure a true statement, so far as regards our want of geographical information concerning this province; considering too that Khuzistan, the ancient Susiana, abounds more than any other part of Persia in antiquities and interesting recollections, and taking into account the tone of pretension which characterises the style of the work, we think the public have some just cause to be disappointed with Mr. Stoecker.

Of the value and exactitude of the information which his travels afford, let the reader judge by a few specimens. He reached the ruins of Ahwaz, an ancient and once splendid and extensive Mahometan city, on the 11th of May, at what hour he does not say; and prepared to leave it on the afternoon of the 13th—so that he might have had two days to explore it—behold the result of his researches, "go with his great ad."

"I have compared my memoranda made on the spot, with the data supplied me from Arabic authors, with the sketch of Ahwaz appended to Captain Mignan's

volume of *Travels in Chaldæa*; and I must render to that officer the tribute of respect to which his accuracy and research entitle him. I believe I penetrated *much farther eastward* than Captain Mignan *ventured to do*, purposing to ascertain the termination of the ruins; but after a journey of *thirty miles and upwards*, I gave up the pursuit. It is worth mentioning, however, as in some degree *confirmatory of the descriptions of Ahwaz* by the Arabic authors, that, on a subsequent visit to Bunder-Masheer (distant *seventy miles* from Ahwaz), I found some considerable ruins, of precisely the same character as those at Ahwaz, and abounding with pottery, flint glass, and cufic gems."

And so afterwards (p. 84), he seriously concludes that these remains are a continuation of the ruins of Ahwaz! With the same justice, and by a parity of reasoning, might he conclude that Babylon or Seleucia extended over the whole of Lower Mesopotamia to the Hye, because bricks, and pottery, and glass, and heaps of such ruins, are to be found all over it, in the same way as at these ancient sites. Not a word more, however, have we about Ahwaz.

In passing through the district of Bayazeed, on his way from Tabreez to Erzeroom, a threatened attack of some Koords, which is diverted by the appearance of his guards, and the whole of which is described with an effort at effect, which renders it rather incomprehensible, leads our author to some lofty reflections upon the "vast power" and wonderful talents of Balool (Behlool) Pashah, who is hereditary governor of the district; and elicits from him a fine quotation from Lord Byron, about

"The power of thought—the magic of the mind ;"

that can controul such a generation of savages as are his subjects. The reader may smile when he is told that this flaming chuffion is called forth by one of the most imbecile and powerless chiefs of all Koordistan—one who, so far from being able to controul his subjects, cannot protect his own cattle and horses, which are stolen within sight of the windows of his castle by predatory tribes, resident in his own dominions, and who some six or eight months since has been displaced by the Turkish local government of Erzeroom, to make way for a chief who may be able to overawe the robbers and keep the road safe. But what indeed need so valiant a hero as Mr. Stocqueler, who discomfits two Koords, armed to the teeth, by "striking one on the face, and drawing his sword on the other" (p. 237)—who gallantly charges a whole "cordon sanitaire," and an

armed guard at the gate of Khoee, with "drawn swords and "cocked pistols" (p. 187)—who, single-handed, defies an Arab sheikh, and all his followers, to the choice of a brace of pistols or a bag of piastres (p. 65); and dares the whole tribes of the Buchtiari mountains to face his "well-tempered sword" and "true pistols" (p. 101)—what, we say, need such a fire-eater care whether or not the roads be free from banditti or not?

It is scarcely worth while to point out lesser mistakes, such as making use of the word *kerbelah*, which he interprets to mean "any burial-place—Mecca" (!) instead of *kiblah*, which means the point of the compass where Mecca lies, and to which all true Mahometans turn in prayer. Taking the term *goomrook*, a custom station, for the name of a village, and committing many other misnomers of a similar nature, were it not for the tone of assumption which, in spite of a pretended humility, runs through the whole work. But we cannot so easily pardon Mr. Stocqueler for attempting to depose our majestic old friend, Ararat, of so large a portion of his due grandeur. The altitude of a celebrated mountain is like a man's good name, and he who attempts, without just grounds, to filch it away from any hoary peak that has maintained a fair claim to the renown of great elevation, is guilty of a species of felony. We never heard of less than 13,000 feet mentioned as the height of Ararat, and we believe late observations have assigned to it a still greater altitude. We here take leave of Mr. Stocqueler, whom it never was our intention to follow out of Persia, expressing merely a friendly hope that, if we ever should chance to meet again, it may be on better terms.

We think the slight sketches given of the works under notice must have pretty well established the point we had in view, which was to shew that whatever amount of entertainment or instruction the readers of voyages and travels may derive from such works as these, there is much more required to convey to the English public at large, a correct idea of the countries of Central Asia, in which they really are, and ought, to feel themselves so deeply interested; and we trust that the attention which such narratives as those of Lieutenants Burdes and Connolly have attracted, may prove but the first-fruits of a spirit of inquiry, which will encourage men of enterprise and talent to enlist in the pursuit, so that in due time we may

become thoroughly well acquainted with a tract, which, in every point of view, geographical, commercial, and political, is full of deep interest.

In our last number we made an effort to attract the public attention to the vast political importance of Asiatic subjects, and offered some statements illustrative of the resources of Persia in particular, and her capability, under a proper system, to oppose successfully an invading force upon the West. Were the commercial and manufacturing part of the English people aware of the value of her rapidly increasing trade, and the extent of that great field which Persia and the circumjacent countries would open up to Great Britain, if an improvement could be effected in her government and social state, they would be less indifferent to the subject, and less averse to contribute towards the means of such amelioration. The demand which, within these few years back, has sprung up, all over central Asia for European, and particularly for English goods, is astonishing; and the great influx of specie into Persia, from Russia and Turkey, proves, beyond dispute, that she at least is not without the means of returns, and that her export trade is already great and valuable.—And all this in the face of a government venal, corrupt, and oppressive enough, we might think, to crush the most ardent and sanguine spirit of adventure.

In an absolute monarchy it is plain that, according to the temper and dispositions of the sovereign, must be the condition of his people. All functionaries, from the prime minister downwards, take their tone from the monarch, or, in case of his indolence or weakness, from the worthless and corrupt favourites to whom, generally, his power is transferred. The king of Persia is perfectly absolute, so far as the exercise of his own power is concerned.—“There stands Solymaun Khan Kajar, and several other chiefs of the empire,” observed the late king one day, in explaining to Sir John Malcolm the unlimited nature of his power,—“I can cut off all their heads, if I please—“can I not?” added he, addressing them.—“Assuredly, Kibleh Alim (point of the world’s adoration)! if it be your pleasure,” was the response.—“Now, that is real power,” said his majesty, &c., &c. And, in fact, he did occasionally make use



of it, to turn up the heels of a grandee, or even of a minister, with as little ceremony as he would those of a Furosh or groom.

Now, when this power comes to be directed towards the oppression, instead of the protection of his subjects;—when, instead of contenting himself with the taxes established by law, the sovereign makes it his object to extract as much money as possible from every creature, high or low, within his dominions, and when every minister, governor, and collector, taking example from their master, vie with each other in contriving expedients for extortion, is it to be wondered at, if agriculture, population, and commerce, should become stationary, if not retrograde? That they are so, comparatively speaking, is most certain;—that a change in the character of the government would effect a magical increase in every one of these points, is assuredly not less so. And would it not be an act of humanity and charity, calculated to draw a blessing on the nation, not to talk of the selfish advantages that would accrue to ourselves, were England to make an exertion for ameliorating the condition of a people so oppressed, and yet so capable of improvement?—It may be thought worth while possibly to lay before our readers a few details regarding this people, in whose behalf we confess ourselves anxious to interest our countrymen.

The population of Persia, that is, of the countries at present under the Shah's dominion, which there is reason to believe does not exceed six or seven millions of souls, may be divided into two great classes—the fixed, and the erratic—which do, and always have differed from each other as essentially in their habits and customs as in their occupations. There does always exist, it is true—a portion of the latter class, in what may be termed the transition state from the nomade to the agricultural condition; but though in this point the two classes come in contact, the other extremes exhibit all their original discrepancy in its most striking aspect.

Of what indeed can the fixed population of any once pastoral country consist, but of those individuals and their progeny who have gradually abandoned the erratic life, in order to become cultivators of the earth, merchants, and servants of government? And, could the inhabitants of Persian towns and villages, the owners of estates, and tillers of the soil, trace back

their origin to its source, it would undoubtedly appear that the ancestors of all had been nomades, from whose tribes there is a continual draft to supply and increase the stationary classes. Thus the citizens and villagers of Persia are to be regarded as a mixed race, including, besides the aboriginal stock, the descendants of Arabs, and Turks, and Moghuls, and strangers of every Asiatic clime and country.

This stationary portion of the people, which is by far the most numerous, may be regarded as subdivided into four separate classes, namely: *First*,—The military and functionaries of the various governments, provincial as well as supreme, with that innumerable and strongly marked shoal of court dependents, who in Persia are emphatically termed *Nowkerbah*, or employes. *Secondly*,—The ecclesiastical orders, including every description of priest and religious mendicant, *fakirs*, *calenders*, dervishes, &c., and all men of business or learning, comprehended in the general term of *Meorxa*, or *Scribe*. *Thirdly*,—The inhabitants of towns, comprehending merchants, and shopkeepers, and tradesmen, in all their different species, frequently denominated *Sheherrees*, or citizens. *Fourthly*,—The agriculturists, usually termed *Ryots*, or peasantry.

Into the first of these classes, a large number of individuals from the tribes, and particularly of their chiefs and fighting men, are continually transferred—indeed, nearly all the military orders are supplied from them; while by another process the last-mentioned class, or that of cultivators, receives as regular an increase by additions of whole families and sections from the lower orders of the wanderers. It is also to be observed, that many of the civil functionaries, mentioned in the first class, are supplied from the Meerzas of the second.

The original military establishment of Persia was a sort of militia, consisting of horse and foot, the first being furnished by the tribes, and the latter principally from the fixed inhabitants; to which were added sundry corps of a more or less regular description, according to the fancy of the sovereigns who instituted them. In the late reign, that of Futeh Allee Shah, the regular troops amounted to about 15,000 infantry; and there were nearly 30,000 more of a less disciplined description enrolled; and paid as a standing army, which for the greater part of that monarch's reign formed a camp in the summer

months, and used formerly to accompany him on various expeditions. Of cavalry, the tribes of the empire who furnished contingents; could with ease turn out a force of 150,000 well mounted men; while an equal number of infantry, many of them excellent marksmen, might be mustered from the various provinces. Besides all this, there was a sort of *levée en masse*, termed the *Eeljarree*, consisting of all the men of the tribes fit to bear arms; by calling on which, in times of national distress, an immense multitude could be brought into the field for defence.

In the late war with Russia, Abbas Meerza took the field with an army of 40,000 men, of which 16,000 *serbaux* and artillery had been regularly disciplined by British officers. Unluckily, they were deprived of the guidance of these officers in the hour of need, or the result of the war might have been less favourable to the arms of Russia than it was. The Shah himself was at the same time encamped with an army not less numerous, at Khoee, in Azerbaijan; and these separate forces neither included the whole of the *Irak* nor Azerbaijan levies, nor the troops which might have been furnished by Fars, Kermaun, Kermanshah, or the tribes of Louristan.

The present disposable military force of the Persian empire may be estimated at about 12,000 regulars, of which about 1000 are *topechees*, or artillery-men, from 25,000 to 30,000 infantry of an inferior description, and about 100,000 cavalry of the tribes, and a like number of infantry; the former obeying only their own chiefs, and the latter being as yet without any sort of discipline whatever. This is exclusive of the forces that could be furnished by Khorasan, Fars, and Kermaun, which provinces, as yet, are scarcely to be depended on for furnishing any contingent. And besides this, there is the *Eeljarree*, already spoken of, which, as every man in Persia possesses arms, and knows how to use them, would place a powerful body at the sovereign's disposal for defensive objects.

This is a great mass of raw material to work up for the military purposes of a state, and excellent material, too; for better stuff for soldiers than the Persians is nowhere to be found. The men are generally of a stout and active frame,

hardy by education and habit, quick and intelligent by nature. History bears testimony to their valour and intrepidity under their native commanders; and experience has shown, that, under European officers, they are capable of being reduced to perfect discipline; while the late campaigns of the Prince Royal in Khorasan, have proved incontrovertibly that no troops in the world are more able or ready to endure hardship and privation in the course of service. During great part of those campaigns, money was extremely scarce, provisions often more so, clothing sufficient to exclude the cold of a rigorous winter was not to be had except by plunder; yet did the serbazu of Azerbaijan, and others of the less regular corps, hungry and ill-clad as they were, often without shoes to their feet, in spite of cold and heat, in defiance of rain and snow, almost without a complaint, nay, with cheerfulness, persevere, month after month, in executing the most arduous duties—performing forced marches, dragging guns over the most rugged mountains, sustaining protracted sieges, and storming well-defended strongholds, with a steadiness and courage that would have done honour to the best troops of Europe; indeed, we question whether any Europeans would have endured so much with equal patience and forbearance. Hundreds of cattle, and many men, died of starvation and cold; and some idea may be formed of the privations endured by the troops, when their prince and leader himself, was not unfrequently reduced to depend for a meal upon his success in hawking or hunting, and when the only fire that could be got to warm the half-frozen limbs of the heir-apparent of the throne, was a handful of weeds or bushes, burned in a chaffeur under a blanket, to enjoy which, he would kindly invite an English gentleman of the mission, who had accompanied him in the expedition, and who could procure no such comfort himself.

Under such circumstances, it is highly creditable, both to the men and to their leaders, that the army could be kept together at all; and still more so, that it was maintained in an efficient state. There was no undue straggling on the line of march, nor any of that sullen gloom which is so painful a symptom of dissatisfaction and want of confidence in the men. On the contrary, mirth and good humour prevailed; and those who accompanied the army, and who frequently overheard

the conversations of the men, were not less gratified than surprised at hearing the poor fellows, who, it might have been feared, would have sat brooding over their hardships and empty bellies, discoursing with animation on the events of the campaign, and holding forth upon the merits of the various measures adopted by their leaders. More than half-famished, as they were, their only meal, perhaps, for days together, a handful of raw wheat, the property of their leader and their officers, was sacred, whatever might be the fate of that belonging to strangers; but if, upon the line of march, a camel or bullock happened to drop, it was seldom found fit to rise again: the first fellows that reached it, were sure to discover that the beast was dying; words were confirmed by acts; and in an incredibly short time, scarcely a bone of the poor animal was to be found sticking to another. If a little grass or weeds was to be had at hand, the process was summary; knives and ramrods were instantly in requisition, and a few minutes saw hundreds of mouths hard at work, masticating the half-burned *kebabs*; and all would pass in a roar of laughter and good humour, which did as much good as the hasty meal; the march was speedily renewed, and discipline suffered nothing by winking hard at such occasional outbreaks.

It is true that the country did suffer; it was treated, in fact, like what it very much was—the country of an enemy. The villages were pillaged, and the inhabitants robbed, either by the troops or by government, in order to maintain them; and long will Khorasan have cause to remember the visitation which its own turbulence, and the rebellion of its chiefs, brought down upon its desolated plains. Granaries were emptied in a trice—crops, green or ripe, withered, as if a flight of locusts had settled on them—villages crumbled into ruins—beams, rafters, and woodwork, were converted into fuel—and their inhabitants, stripped to the skin, took to the mountains; orchards and gardens disappeared as grass under the scythe of the mower. Such herbs and flocks as had not been driven out of reach, were disposed of in the summary manner we have described; the horses, asses, and other beasts of burthen, were seized to carry the spoil; and the arrears of several years' pay were in some measure compensated for, by this almost indis-

criminate plunder. But, in spite of this licentiousness in the matter of spoil, the men stuck to their colours, and obeyed their officers; and the taking of Toorsheez, the sieges of Sultan-Meidaun and Khabooshan, and the storms of Amserabad and Serrakhs, are exploits that would not disgrace the steady and well-disciplined troops of Europe.

Even opposed to these very troops,—in the face of the élite of a Russian army, commanded by the best officers of the empire, the Persian troops (which have by some been so lightly esteemed), though deprived of the guidance of the officers who had disciplined them and taught them to know their own strength, and in whose skill and abilities they had been taught to confide,—deficient too, not only in the experience and self-confidence necessary for success against a practised foe, but in many of the materials and appliances of war, were found, not only maintaining a bold front, but more than once gaining decided advantages over their formidable opponents; and though it is scarcely to be supposed that troops so adversely situated should withstand the murderous volley of a well-served Russian battery, or the steady charge of a Russian line of bayonets, in numbers at all equal to their own, yet we find, on one occasion, a Russian battalion of 1200 strong laying down their arms to these Persians on the field of battle, and an army of 4000 Russian infantry, 2000 cavalry, and twenty field pieces, defeated by them on the heights of Aberân.

It must be acknowledged, however, that, under present circumstances, this large mass of defensive materials is by no means very available, and that the military establishment of Persia is far from being well organised or efficient. In the late king's reign, although the pay of the troops which formed the strength of the royal army, was regularly handed over to their commanders, from the khists of the districts that furnished them, that is, an equivalent amount was remitted in the revenue accounts with these districts, the chiefs or governors of which were generally the commandants of the corps; the troops themselves touched but little of the cash, which went to line the pockets of these officers, and in hush-money to Meerzas and functionaries about court; and the men, seldom of late years called upon to muster, except the corps appointed to do duty in their turn in

the capital, or in Khorasan, pursued their agricultural labours in their own villages. The regular army of Azerbaijan has generally been better paid, as the British officers by which it was commanded and disciplined, insisted, through the resident English minister, upon terms being in some degree kept with their men. But in times of peace, it was difficult to get the government to pay them regularly, or even to keep them embodied, and they were frequently permitted to retire to their homes and other occupations, for months together, to the great detriment of discipline and military habits.

During the late campaigns in Khorasan and Kermaun, it is true that no such relaxation, either in service or discipline, was permitted; but so badly and irregularly were the men paid; that, at the death of the late prince royal, and when the present shah returned, at the call of his grandfather, to the capital, the army in Khorasan were about three years in arrears. This, by the troops first employed, had been less severely felt, because of the plunder, of which they had the cream; but to those who came afterwards, and who got neither money, nor victuals, nor spoil, it was a serious grievance, and produced great discontent, although the consequences were less grave than those which would probably have resulted from similar circumstances among most other troops.

But more fatal to discipline and efficiency still, than even irregularity of pay, is the vicious system which has crept into the service, of making each corps a sort of private property, the supreme, and often the subordinate commands, being subjects of sale, or granted to individuals as matters of favour, by the head of the government or his minister, in lieu of other beneficial perquisites. A regiment is thus conferred like the grant of a village or estate, on some chief or noble, who not only provides for his own family and relations, brothers, uncles, cousins, nephews and all, by making them officers in the corps, but who receives whatever cash may be forthcoming in the way of pay, or, what is more commonly given, an order on certain districts, from which he extorts as much more as he can, doling out to his said connections just enough to stop their mouths, and often overlooking his men altogether.

Now such a practice not only tends directly to produce disorder and mutiny, and strikes at the root of discipline and

efficiency, but deprives the European officers who may have nominal command of the troops, of all power to effect the purposes for which they were employed. They are regarded with jealousy by the native officers, who consider them in the light of spies and interlopers, and encourage the men to disregard their orders, if not to treat them with contempt, and the whole system must undergo a change; the officers employed to bring the troops under proper discipline, must not only have the absolute command over their men, but be made the medium of paying them, and dispensing rewards as well as punishments, before the Persian regular army can be, what it is quite capable of being made, an effectual defence against foreign aggression.

Such is the present state of the regular military establishment of Persia. The irregular corps labour of course under defects of a similar description, but to a greater and most disorganising extent; claims are made upon the crown for the pay of men, who only exist upon the face of the Meerza's schedules; and chiefs enjoy immunities, or grants, or privileges, for contingents which they never furnish, and for services which they never perform. The principle of corruption which pervades every branch of government, has penetrated to the core of its military resources, and sapped the very marrow of the national strength; and yet this weakness, the effect of a diseased system of government, has been attributed to the want of animal or moral courage in the individuals of which the nation is composed; never was a greater mistake—the Persians are regarded as cowardly braggarts, who in spite of their mighty boastings would shrink from the most trifling personal exposure. How absurd to talk thus of a people who swept over half of Asia under Nader, and who, led by a brave and able-minded eunuch, bearded and drove back, beyond the Caucasus, these very Russians, now believed to be so greatly their superiors. Mankind in masses, are every where, in point of moral qualities, very much the same; creatures of education and circumstance—and what nation exceeds the Persians in physical endowments? They are brave or cowardly—warriors or poltroons, just according to the genius of their leaders for the time being. As a proof of Persian steadiness and courage, we are tempted to relate a circumstance, among many others



that might be adduced, which occurred during the late campaigns in Khorasan, and was perfectly well known to the English gentlemen with the army.

A party of ten serbazu, natives of a district of Azerbaijan, and all related to each other, having heard of certain occurrences of a disagreeable nature in their family, applied to the Prince Royal for leave to return thither. But His Royal Highness, who was particularly desirous to keep his troops together, having refused permission, they deserted, and went off in a body for Azerbaijan, carrying with them only their arms, and the ammunition in their possession at the time.

On hearing of the circumstance, the Prince, resolved to check a practice so pregnant with evil consequences to his enterprise, sent off expresses to a point on the road by which the men must necessarily pass, and issued his commands to the governor of the place (Muzzinoon) to send after and arrest, and bring back the defaulters at all events, and by all means, foul or fair. The governor accordingly mustered all the horsemen he could, to the number of seventy, among whom were a number of stout old borderers, who had had many a rough brush in their days with the Toorkoman robbers that infest the district, and they were led by this governor's son. In the long desert tract that intervenes between Abbasabad and Meyomeed, these ten serbazu became aware that they were followed by this body of horse, and suspecting their errand prepared to receive them.

As the ground was tolerably open, they saw their enemies from a distance, in time sufficient to enable them to occupy a small hillock, on which they hastily and very slightly entrenched themselves, by digging up the earth with their bayonets, and piling it with whatever stones were on the spot into a sort of breast-work.

On their refusal to surrender, hostilities commenced, and the serbazu reserving their fire with a coolness that would have done honour to the best veteran troops, sustained the charge of the whole body, pouring in their volley, when they had reached within a few feet of the summit of the position, so that every shot told. This they constantly repeated, while the Khorasanees, furious at their losses, redoubled their efforts to get in and cut down the little band, till at length, having lost in killed and wounded near half their number, without being one whit

nearer effecting their purpose, they retired, leaving the field to the brave party of serbauz, who had only suffered a few wounds that did not prevent them from continuing their journey. The prince, though exceedingly displeased at the event, could not help being gratified by the valour and conduct displayed by his own troops; and though at first resolved on making an example of them, he was induced to pardon them, at the instance of the English political agent in his camp, who represented that the fame of their gallant exploit would do more for his arms, than the example of their desertion could effect against them;—a suggestion in which we heartily concur.

There is one class of the military order of whom we have not yet spoken, and that is the numerous guards and personal attendants attached to the king and princes, and the retainers of governors and great men in all stations, private or public, including the whole race of Gholaums, Gholaum-peish-khidnuts, Gholaum-batchahs, Nassakchees, Kessekchees, Yessauwuls, &c. &c. &c., and a very strongly marked class they are, in all their gradations. The latter are all officers of state, attached only to high, indeed to regal or princely rank. Thus the Gholaum-peish-khidnuts to the king, who may represent our lords of the bedchamber, grooms in waiting, &c., are men of high rank. The Gholaum-batchahs are pages; Nassakchees, are marshal men; Kessekchees, watchmen; Yessauwuls, a sort of officials, something like the Nassakchees, who are entertained by chiefs of lesser dignity, as well as persons of the blood royal.

The Gholaums are a sort of confidential guards, of whom every prince and governor, as well as most of the great men, entertain a certain number, and who are generally employed in offices that require bold and faithful messengers. In former times they consisted very much of Georgian and other slaves, and the sons of officers, or the inferior nobility, who sought preferment among the Gholaums or *slaves*, that is the devoted personal attendants of the sovereign, and in those days we believe the term was limited to those in the service of his majesty—the *Gholaum-e-shah*. Of late years, and in consequence of the subdivision of the kingdom into governments under princes of the blood royal, the class and the appellation has become more widely spread. Instruments of extortion or of vengeance,

more frequently than of mere confidential communications or amicable business, they become objects of dread and dislike, wherever they go; and badly paid by their masters, yet forced to maintain a respectable, and even showy appearance, and utterly unscrupulous as to the mode of acquiring the means of so doing, they pillage without mercy, because without fear, of consequences—for who would dare to complain of the confidential servant of their governor, whether prince or khan, in whose hands are their properties and lives.

A Gholaum, if sent to collect money, makes a point of extorting as much more as he can for himself under every possible pretext. If he happens to have no horse, or that his own fails him, he demands one at the first village he passes through, or unceremoniously unhorses the first passenger he meets, and takes his beast, that he may proceed on his journey. There is no exaggeration in the humorous accounts given by Morier and others, of the insolent self-importance and arrogant demerour of such personages. Their very air marks the species as infallibly as "the cut of his jib" points out a sailor, or the peculiar "tournure" of guards and coachmen, distinguishes that very useful body of functionaries from the rest of His Majesty's lieges.—No one who has paid the smallest attention to character, can mistake the cock of a Gholaum's cap, or the swaggering cast of the features beneath it—the very nose, let nature have shaped it as she may, assumes a look of brass, and the eye a rakish leer, that infallibly betrays the calling of its owner, —even the cut of his furred kuleegéh and the set of the folds of his shulwars, smack of his "profession;" and, truth to say, a more purpose-like fellow than your hardy, weather-beaten dare-devil Gholaum-e-shah, well accoutred, with his short sikkeh mounted gun slung at his back, his trusty scymet depending from his waist, and seated à la mode de Perse, gathered snugly up upon a stout Toorkoman hack, it would be difficult even to imagine.

It is this same air of self-sufficient arrogance, modified by circumstances—refined into easy assurance, exalted into lofty assumption, or swelled into insolent "jack-in-office" impudence, and, far more rarely, tempered into the well-bred ease of a gentleman, but always crouching into servile humility before its master, that marks the whole race of Persian courtiers.

through all their genera and orders. No one who has seen much of them, can have failed to remark how perfectly gracious, easy, gentlemanly, and even insinuatingly bland some of the Persian khans and meerzas can be; while others, on the contrary, are as remarkable for their supercilious arrogance. It is not indeed the elegance of cultivated Europe, that we can expect to find in a country where the customs and manners differ so widely from our own; even the moral education of a Persian precludes the possibility of his possessing the same nice sense of honour, high principle, and delicacy of mind, which marks the character of an English gentleman; but enough remains to justify the name, which the Persians have acquired for politeness; while on the other hand there is too much to be met with, calculated to impress a stranger with a strong idea of their insincerity, their overbearance, and their utter laxity of principle.

It ought to be remembered, however, that travellers passing through the country, and admitted only to a ceremonious view of society among this class of persons, must see them in a very imperfect, and often a very false light, and can consequently form no just notion of their character. It is only after residence for a season has rendered personal intercourse more frequent and unrestrained—when the barriers of reserve and ceremony, giving way, have admitted the stranger to the social and family circle (so far as men can be admitted thereto), upon terms of equality and intimacy, that a just estimate can be formed of Persian society. And there are few, we believe, who have enjoyed that privilege, but will be disposed to admit that they have spent many pleasant hours in company with their Persian friends. The hours of visiting are usually in the morning, before those whose duties lead them to court go to the *salaam*, and in the afternoon, when they have returned from it; sometimes at a still later hour, when a dinner party is the occasion of meeting. At such times one sees people at their ease—official dignity is thrown aside, and the joke, and the laugh, and the good story, the quick repartee, the happy conceit, the little couplet of poetry, and the anecdotes of the day, pass round with a brilliancy and good humour, and a raciness of manner and costume, that might vie with a scene from the “thousand-and-one nights.”

It would indeed astonish a St. James's street dandy, or make

a grave diplomatist stare, were they to see the way they "carry " on the war" in Tehran or Tabreez, and to witness the curious contrast between a feast of *pillaws*, and *kebaubs*, and *cookoots*, and stews, eaten by the fingers, and the gorgeous pomps, and plate, and cookery, of a ministerial dinner or a civic feast, in the great modern Babylon; or between the dark little cells at the *Durkhaneh*, where the heads of departments in Persia sit and transact their affairs, and the splendid suites occupied by the public officers in Downing Street and Whitehall, whence issue the mandates that rule the nation, and influence, more or less, the destinies of the whole world. How would such worthies be confounded at seeing the "Premier" himself go through the operations of washing and dressing before a large assembly of the nobles, pop down on his carpet in the middle of the room to say his prayers, dictating letters at the same time to two or three secretaries—or taking an active part in the preparation for the fire, of a roast lamb, or savoury kebaubs for breakfast—or giving a private audience on business in the dark and dripping dungeon of the antechamber to his bath! Major Koppel thus describes the audience of his party with the *Ameeru-dowlut*, Lord High Treasurer and Premier—the hour was ten o'clock at night:—

"The reception room was plain and unadorned. The minister, who was seated in a corner, rose to bid us welcome; a compliment he does not pay to his own countrymen. The visitors all sat with their backs to the wall; four or five thick candles, in low tin candlesticks, stood in the middle of the room. Several meerzas (secretaries) were seated in a semicircle opposite the minister, and, upon papers held in the palm of the left hand, were writing from his dictation. The company, in general, had no particular business; those who had went up by turns to the minister, made their statement in a whisper, and retired with a low bow. Servants came in at intervals with calcecons, which were rapidly passed from mouth to mouth. Every person in this assembly sat according to his rank. On our arriving, a place was immediately given us near the minister," &c. &c. &c.—(p. 250.)

All this, however, which to us seems so strange, is to be regarded but as shades of national custom, amusing to strangers, but not ridiculous in themselves; and those who have leisure and taste for viewing mankind under various aspects, will find their pains rewarded, in devoting a part of their attention to making a more intimate acquaintance with the people of Persia than has hitherto been done. They would find the class of which we have just been speaking, that is, the courtiers, generally venal and deceitful, often treacherous, arrogant, and over-

bearing where they have power, and almost universally great intriguers. How can it be otherwise? Slaves to the caprice of the monarch whom they serve, their very existence depends on his favour, and their whole efforts must, of course, be directed to secure that object. Dissimulation and flattery thus become their chief study—the accumulation of wealth to support their extravagance, or to purchase security, by every possible means, however flagitious—the great object of their lives. Yet, though possessed of little virtue as a body, individuals are to be found, estimable and friendly in disposition, courteous and polished in manners, pleasant and lively as companions; and, however we may feel bound to condemn the faults of the rest, let us not commit injustice, by losing sight of the adverse circumstances to which these faults are mainly owing; let us rather look to ourselves, and bless the Almighty Disposer of events that has cast our lot in a happier and more favoured land.

In our next number, we shall resume the subject of this article, and lay before our readers sketches of the condition and characters of the remaining classes of the Persian people, taken from materials which we know to be correct.

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### ARTICLE III.

*A Discourse on the Studies of the University.* By ADAM SEDGWICK, M.A., F.R.S., &c. London: 1835.

*A Letter to the Right Rev. Dr. Philpotts, Bishop of Exeter, containing Strictures on a Speech, delivered by him in the House of Lords, on the second reading of the Dissenters' University Admission Bill.* By a Member of the University of Cambridge. London.

*First and Second Letters to the Rev. Thomas Turton, D.D., Regius Professor of Divinity, &c., &c., on the Admission of Dissenters to Academical Degrees.* By CONNOP THIRLWALL, M.A. Second Edition. Cambridge.

*Thoughts on the Admission of Persons, without regard to their religious opinions, to certain degrees in the Universities of England.* By THOMAS TURTON, D.D., Regius Professor of Divinity, &c. London.

THE constitution and management of the two ancient Universities of this country have recently attracted very

considerable attention, both in parliament and among the reading community in general. Nor is this attention likely to be soon withdrawn;—indeed it ought not to be withdrawn, till such improvements have been introduced into the system, as a just regard for the interests of national education, the exigencies of the times, and the general voice of the country demand. Regarding the system established in our Universities, and the improvements of which it is capable, currency has been given to many vague and wild notions in the pamphlets and periodicals of the day. The advocates of the present system, and the patrons of subsisting errors and abuses, have had no better allies than those assailants, not few in number, who have, through ignorance of the internal organisation of the Universities, misapprehended the nature both of their real defects and of their appropriate remedies, and have therefore suggested innovations, which would be either subversive of their constitution, or fatal to their efficiency. We shall, therefore, hope to render some service to the cause, both of national education and of the Universities themselves, by a clear and impartial statement of their organic structure and practical working, and by suggesting such improvements as may give satisfaction to the reasonable portion of the community, without encroaching upon the constitutional rights and privileges, or endangering the existence, or the prosperity of these learned and venerable institutions.

It is scarcely necessary, for this purpose, to go far back into the history and antiquities of the Universities. It may be sufficient to observe that they were originally instituted on the same principles as those we now see in operation on the continent, and in the northern division of this island. Professors, prelectors, or doctors, were appointed by princes, bishops, and other patrons, and maintained partly by the state, partly by the contributions of the students who attended their lectures, and enjoyed the advantage of their instruction. At their first establishment, the course of lectures delivered by the professors of the several departments, were designed to comprehend all the sciences and learning known to the age, and more particularly the faculties of arts, theology, law, and medicine. In this early period, the students were accustomed to lodge, as best suited their own means or convenience, either

in private families, or privileged houses, called halls, chambers, inns, and colleges.

The Universities, at the time of which we are speaking, were the only places of liberal or professional education; and therefore were generally attended by vast crowds of students. It is said that at Oxford the numbers were sometimes not less than twenty or thirty thousand. That in such a large and promiscuous assemblage of young persons, subject to no other authority or discipline but such as was incidentally exercised by the few professors and public officers (who presided over their studies rather than governed their conduct), great irregularities and vices should prevail is natural to be concluded. But if cotemporary poets and annalists may be credited, their immoralities and excesses, and even scandalous vices, far surpassed any thing that has been witnessed, or almost conceived in modern times, lax and dissipated as they are still admitted to be in our great public seminaries.

These scandalous abuses were partially restrained by the endowment of colleges, and the establishment of licensed halls and houses, over which provosts and principals presided, to whose moral care and control the students of the more opulent classes were confided; while, to encourage the poorer order of scholars to adopt the same collegiate system, exhibitions and scholarships were attached to most of the chartered colleges. But still the great mass continued to sojourn with the citizens, or in the independent halls and inns, in which the presidents, either being elected by the pensioners and scholars themselves, or having no power to prevent the capricious migration of the students, could exert but a very feeble authority, either in forming their characters, or restraining their excesses.

A certain attendance upon the professors of the several faculties was formally prescribed, and, to a certain extent, enforced. But the degree of *attention* paid to these *prelections*, was in a great measure voluntary; and, as may be inferred, in most instances, but very superficial and slight. The terminal examinations were not conducted with sufficient strictness, nor the proper qualification for proceeding to a degree sufficiently insisted upon, to secure diligence from any but the few, whose tastes and ambition impelled them to



spontaneous exertions. Of such dissipation and idleness, ignorance and vice were the inevitable results, evinced by the general barbarism of the people, and by the degraded habits and tastes of the privileged, and more especially, the ecclesiastical, orders. These disorders had the effect, at length, of discouraging parents from sending their sons to the Universities, and led to the establishment of conventual and provincial schools in different parts of the kingdom; and, in many instances, to the adoption of private and domestic education.

At the commencement of the Reformation, the number of students was much diminished, and the mutual contentions and persecutions of the opposite parties, during its progress, reduced the actual residents to little more than that small comparative number, who enjoyed some exhibition, or endowment, in their respective colleges, or discharged some lucrative University office. No sooner had the reformed religion triumphed, than its most enlightened advocates turned their attention to the establishment of elementary schools in all the most populous districts of the kingdom; and especially to the resuscitation of the suspended animation, and dormant energies, of the two ancient Universities. The Earl of Leicester, more particularly, under the auspices of Queen Elizabeth, and Archbishop Laud, under the protection and encouragement of Charles I., digested a code of laws for each University, which are known by the names of the Elizabethan and Caroline Statutes; or, more technically, *Corpus Statutorum Universitatis*.

To restrain the licentiousness that had prevailed under the old system, the reformers introduced a fundamental organic change into the constitution of the Universities. The effect of which was, that from being inconveniently popular, they became absurdly oligarchical. The convocation, indeed, as before, was invested with the legislative functions; but the number of its members was greatly reduced. The right of voting too was restricted to the master of arts, and others of superior degree, being actual members of some college. It was, moreover, deprived of its self-acting power by a device, which will be explained in the sequel.

There is another body, called the Congregation, composed of nearly the same class of members, if resident and engaged in the business of the University, and which may be con-

sidered the executive of the academic constitution. They are charged with the superintendence of the general police, the granting of degrees, and other matters of routine, and are also invested with very considerable discretionary power, in dispensing with the statutable studies and exercises required for the several degrees. This last power they have used so liberally, rather, perhaps, recklessly, as in times not long past, to have utterly relaxed the diligence of both tutors and pupils, and reduced the literary qualification for ordinary degrees to the lowest conceivable standard.

The body, however, which exercises, by far the greatest authority in the Universities, is, what is called in Oxford the "Hebdomadal Meeting," and in Cambridge the "Caput." This body is composed of the Vice-Chancellor, the Proctors, and the heads of houses. To them is confided the initiative of all new regulations, or laws, relating to the government, or the studies, of the University. Upon them, therefore, it depends what questions are discussed by the other two bodies, and whether or not the legislative functions of the convocation are put in motion at all\*. This engine was adopted by Laud, as well to enforce subordination, as to repress any licentiousness, either in opinion or practice. This end it has unquestionably accomplished, in a very effectual manner: but it has done it at the expense of all the renovating and improving energies of the Universities. It has been the torpedo, that, at one period, and that a long one, benumbed all their faculties, and extinguished all their spirit of emulation, and has not only contributed (up to this moment) to check advancement, but has had a decided tendency to depress the average of talent below the humble standard that existed at the period of its institution.

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\* Dominus Vice-Cancellarius, una cum Procuratoribus, et singulis collegiorum prefectis, in loco certo et stato convenient ibique de privilegiis et libertatibus Universitatis tuendis deliverent; et de statutis et consuetudinibus Universitatis observandis, inter se tractent, inquirant et consilium incant. Et si quid super bono regimine, profectu scholastico, honestate, vel utilitate communi, et ex usu academice, ipsi vel major pars eorum, deliberato opus esse duxerint de eodem de liberanti potestatem habeant; quo melius et consultius post hujusmodi ipsorum deliberationem, in V. domo congregationis proposatus; et deinde in V. domo convocationis, de eodem statuatus et decoratus.—Tit. XIII. De Hebdomali Convocatione.

There is also another provision introduced by the same authority, in the same spirit of hostility to popular legislation, by which the Vice-Chancellor singly, and the two Proctors conjointly, are invested with the power of preventing any question being moved in the House of Convocation, and of negating it, even when adopted. It is the initiative of measures conceded to these three authorities, which has been the grand obstacle to improvement in the discipline and studies of the Universities, and more especially of Oxford. No doubt, but the veto has contributed its share towards this paralyzing process. But as there has been no period, since the Reformation, that Oxford has not contained some individuals, of high attainments and enlarged views, had discussion been open, and scope afforded for free deliberation in the legislative council, they would have shamed, long ere now, the Vice-Chancellor and Proctors out of the sinister exercise of their privilege, and not suffered indolence to sleep three centuries, in the undisturbed possession of seats, consecrated to the service of religion and learning.

We must not, however, suppose that no innovations were introduced by the Reformers, but such as are useless or noxious. One principle, if not introduced, at least carried out by them, equally important and beneficial, was that which made it imperative upon all students to enter themselves of some specific incorporated college, under the care of a tutor, assigned by the president of that community of which he was admitted a member. It is this element which gives the distinguishing features and character to the English Universities.

This rule has its evils and has its advantages, but we do not hesitate to say, that the advantages upon the whole very much preponderate, and even compensate for other pernicious elements introduced by the Caroline constitution. The admission into college, and the appointment of tutors, has for its object the moral government, and salutary control over the ordinary habits of young men, and has contributed, most essentially, to maintain a regularity and decency in the conduct of the pupils, which is looked for in vain in Universities, where such a domestic regimen is not established. It has also had the effect of keeping the under-graduates at a distance from family society, and from that dissipation of their thoughts, which a

free intercourse with the gay world inevitably produces. We know that it is the boast of certain Universities, that they combine literary with social improvement, amusement with study; and while they worship the Muses, do not neglect the homage due to the Graces. We know also the influence of such a system upon the ardent and susceptible minds of the young—that the Graces, as might be expected, gain the ascendancy, and go far to eject the Muses from their own domicile.

But another beneficial effect has resulted from this revolution, and which by some persons may be deemed paramount to every other consideration. It has tended to add greatly to the average amount of learning acquired by the University course. While professors delivered lectures in their several departments of literature and science, and the pupils only listened, it is easy to imagine, that the attention, being voluntary, would, in the great majority of instances, be exceedingly desultory, and in many unpopular subjects, of the smallest amount possible. This is found to be the fact, both in those public lectures which are enjoined upon certain classes of students, in Oxford and Cambridge, and is verified by an experiment on a larger scale in the Continental and Scottish Universities. But the practice of appointing college tutors has had the happy effect of reversing this method. Now, the pupils deliver the lectures, while the tutor presides and directs, hears and judges. He only speaks where the student is silent, corrects his mistakes, supplies his deficiencies, and directs his researches. The subjects are prescribed by the tutor, or, to speak more correctly, by the college system—and if the tutor does his duty with any moderate diligence, he suggests to his pupils the sources from which he can derive the information best adapted to aid him in commanding a view of the subjects in all their important bearings. The student, then, together with the facility, has every motive of duty, interest, reputation, and almost of moral necessity, for exerting himself to be well prepared for an exhibition, in which honour, or shame, awaits him in the face of his tutor and fellow-students. And this need, it is material to remark, is not to be awarded at some remote and uncertain period; not at the end of the term, or the end of the year, or the conclusion of the academical course,

but to-day, or to-morrow, or even within the space of a few hours. Let those who have had the misfortune, no uncommon one, to struggle against a procrastinating spirit, put an estimate upon this advantage; and let those also who have had occasion to prepare their minds for communicating the knowledge of any complicated subject to an audience, tell how very different was the degree of their attention to the detail, principle, accuracy, and arrangement of their ideas, when they had not only to satisfy their own curiosity, but to enlighten and persuade others. As hearers, we often fancy we comprehend the argument when we do not; we still more frequently comprehend, but cannot explain it, and conceive the principles, without retaining the terms and definitions of the science. Against these defects, the habit of acquiring and arranging our knowledge, as is the system of collegiate instruction, with a view to placing them in a clear and intelligible shape before others, is the most effectual security.

It is to the habit, arising from this system, that we ascribe the superior efficiency of our academical course, considered in its effects upon the students in general, to that of any other, where the ancient system of University lecture is retained. It is to the absence of such a regulation that we attribute the relaxation, both of discipline and study, and the consequent low attainments of the general order of students in the Scottish Universities. That our fellow subjects, north of the Tweed, are in no degree inferior in intellectual capacity to the English, or any other nation, their success in every land, and every profession, and every pursuit, is a sufficient warrant. That their professors are disqualified by literary and scientific inferiority, we cannot suppose; for although we know of none, at this moment, of pre-eminent merit, we know of several, by name and their writings, who are not inferior, in these particulars, to many college tutors who are carrying on their pupils through the course of studies, at Cambridge and Oxford, with distinguished success. To what peculiar feature, then, of the northern system shall we attribute that languor, or, at least, irregularity of exertion, and that mediocrity of acquirement among their academic youth, that has rendered a Scotch degree "a proverb, and a bye-word," among all civilised nations? Yet, while we are sensible of the advantage of college

tuition, we cannot shut our eyes to its inconveniences, as it is at present carried into practice.

By the present constitution of the Universities, the Hebdomadal meeting in Oxford, and the Caput in Cambridge, that is, in effect, the heads of colleges in both are the supreme and arbitrary governors of their own collegiate corporations. They have the privilege both of originating and negating all questions, and also, a considerable latitude of dispensing discretion. The convocation, therefore, has scarcely any office but that of promulgating and registering their acts. Now, the heads of colleges are either chosen by the fellows of the respective colleges, or appointed by the Minister—or, in some few cases, by individuals. As no specific qualifications, beyond an ordinary degree, are required for their office, these appointments are frequently made with very little regard to literary merit; or indeed, to merit of any kind, beyond their being *personally* acceptable to the electors, or *politically* acceptable to the minister of the day.

To these presidents, however, is confided the sole, arbitrary, and irresponsible selection of tutors, and lecturers, in their several societies. That the selection will, invariably, except under some very peculiar circumstances, be made from the fellows of their own colleges, is to be expected. In many of the minor colleges, the choice cannot, therefore, be very good, because the number of fellows is there very limited, and a portion of them elected by rotation, or appropriation, or in the absence of formidable competition. The effect of this, upon the minor colleges, is to render them valueless as instruments for national education. They are frequented by students, who are either attracted by their endowments, or encouraged by their comparative moderation in expense. The consequence of this inefficiency of the inferior foundations, is, that the crowd and pressure for admission bears exclusively upon the larger foundations—three or four in each University. The extent of accommodation in these favourite resorts, is utterly disproportionate to the numbers who are at this day seeking an academical education. The admission, therefore, becomes in many cases a matter of favour, an obligation, which we have known to be acquitted in a pecuniary shape. But if the admission be imparted, the vacancy still is to be secured only by a long previous applica-

tion. This competition for admission has another pernicious influence. It renders the masters and fellows of these colleges reckless of the growing and extravagant expensiveness of an academical education. They assign each under-graduate to his college tutor, who receives a customary, and not exorbitant fee. But if the young man has need, as all noviciates have need, of directions in the selection of his studies, or help in removing the difficulties as they arise, and in discovering the most compendious path to certain portions of knowledge, it becomes necessary to provide himself with a *private* tutor, at a very serious addition to his expenses. Now this double set of Tutors, one for show, the other for use, in the same college, ought not to be tolerated. It is neither more nor less than an unfair advantage, and a gross imposition practised upon the public\*. It is true that the second tutor is not forced upon any one. But if he would not wish to be distanced in the race, a young man finds the services of such a supernumerary tutor all but indispensable.

Considering, then, the limited accommodation of the efficient colleges, and the great expense at which their advantages are to be purchased, we cannot help observing that the presidents of colleges have availed themselves of the Caroline statutes, which were designed to promote subordination and order, to deprive the great mass of the educated population of the privilege of an academical education, and to enrich their own societies. It is not the Dissenters only who have had reason to complain of the exclusiveness of the Universities, but the whole of the middle orders, who set a value upon science and literature. There is no class of men who feel this more, as a practical grievance, than that profession, for whose expedience, encouragement, and instruction, colleges were founded and endowed, namely, the established clergy. With their limited incomes, averaging something less than three hundred a year, it is impossible, by any economy, to educate their

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\* On the topic of expenses, we will take occasion to observe, that a very general suspicion prevails that some tutors carve out for themselves, as the payment passes through their hands, a certain proportion of the profits of the tradesmen, either in the shape of interest, or per centage. After this hint, respectable tutors will furnish the parents of their pupils with vouchers, which, if not demanded, are sometimes wished for.

sons, even one son, from their professional emoluments, in the Universities, at an annual expense for each, and we state it very moderately, of two hundred a year.

This, which is felt deeply by them as a grievance, re-acts upon the nation. It compels parents, whose sons are destined for the clerical profession, to send them for education to inferior seminaries, where their views are directed exclusively to professional studies, and technical theology; and from which they pass into their profession, very indifferently furnished with those acquirements which constitute, next to piety, the main respectability and usefulness of their order. Even piety itself loses half its influence, when degraded by its association with ignorance, bigotry, and narrow-mindedness. We would by no means insinuate that such is the undeviating effect; but the tendency of an education merely professional, is always to contract the mind, and debase the character, and place the profession itself in a repulsive light. It is true the Dissenters have a further complaint to make. They are debarred, not indirectly and contingently, but by overt design, from resorting to those great emporia of knowledge. At Oxford, every student is required, within five days after his admission into any college or hall, to present himself before the chancellor, or his commissary, to be matriculated; and if he has reached his sixteenth year, he is required to subscribe to the thirty-nine articles, and take the oath of allegiance and supremacy. At Cambridge, this ceremony may be postponed to the period of taking the degree of Bachelor of Arts.

In Oxford, therefore, no Dissenter can conscientiously continue the member of a college more than five days, before he is repulsed by a declaration and subscription, which would, if made, be a violation of his conscience. In Cambridge, he may reside in college, and pursue the studies of the place, both in it, and the University at large, but is met and repulsed by the same barrier, before taking his degree.

Considering the Universities as national seminaries, it must be admitted that this barrier, raised against Dissenters, in one case, to their admission, and in the other, to their graduation, is a gross violation of their privileges and rights as British subjects. It is injustice at once flagrant and gratuitous. For we are persuaded that the admission of Dissenters, so far



from creating either danger or damage to the church and University, would operate beneficially on both. It would be no trivial relief to churchmen themselves, to be liberated from the necessity of subscribing to articles of religion, of which, at the period of admission, they cannot be supposed to understand much, and from taking an oath to observe statutes, of which they probably know nothing, and the literal observance of which is rendered almost impracticable in the actual condition of the University. We believe, also, that many who entered the University as Dissenters would leave it as churchmen; or, at least, divested of any hostile feeling against the establishment, and its members. We cannot believe that students, who have employed three or four years in the mathematical and moral subjects, at Cambridge—after conversing with Newton and Locke, and Butler and Paley, would leave it as fanatics, or with any feeling but that of respect and good-will towards their tutors and companions, who have directed or shared their studies. It is said, indeed, that Dissenters could not conscientiously attend the regular service of the chapels, or the theological lectures of the tutors; and that these must of necessity be abolished in order to make way for the free admission of Dissenters. We believe, on the other hand, that there are very few separatists in that condition of life which enables them to give their sons an education in the University, who have any such scruples. No doubt they, as well as many churchmen, would prefer the abolition of the statutes which enjoin compulsory worship; yet while this regulation continues, they would acquiesce in a rule of college discipline, for which they do not consider themselves responsible, and which is discreditable to its authors rather than its victims. As to the theological lectures of the University professors, they are not any necessary part of the course of education; and the college lecturers rarely, we believe, enter so deeply into controverted points of divinity with their general class of pupils, as to create any uneasiness to those who dissent from their opinions. Let but these odious and profane declarations and oaths be removed, and we will confidently predict that a considerable influx of Dissenters will be the consequence; and that this class of students will encounter nothing, either to wound their feelings,

or violate their consciences. In *some* of the many colleges which exist in the two Universities, they will find liberal masters and tutors, who will receive them with open arms, and show every respect and delicacy to their feelings, and most of all, to those religious sentiments in which they conscientiously differ from the great body of their fellow students.

But the Dissenters, it is argued, will not be satisfied with a free and full participation in the literary and scientific advantages and honours of the Universities, without an equal participation in the pecuniary emoluments and domestic endowments—the scholarships, exhibitions, and fellowships, of the colleges. We are aware that such claims are put forth in some quarters, and strenuously insisted upon, in behalf of Dissenters, from which it is to be inferred, that many would not be satisfied with less. But there are others, on the contrary, sufficiently moderate and reasonable to draw a distinction between the University, which is a national institution, designed for all professions, and all classes of the King's subjects, and the colleges, which were endowed for the instruction and support of the national clergy. They are well aware, that if a national church is to be maintained, it is necessary for its existence, at least for its usefulness, that its ministers should be liberally educated and respectably supported. They know too, that they have their ecclesiastical academies for the instruction of their own ministry, having endowments, differing indeed, in extent and antiquity, but not in principle or purpose. They are aware, also, that the legislature of the country would be slow to infringe upon rights long established and acknowledged, or to divert to other purposes property which, under the sanction of law, has been appropriated by its owners to uses, which are acknowledged to be salutary, not to say sacred, except a much stronger case of perversion and corruption could be made out, than can be established against the colleges. We are, therefore, inclined to believe, that to open the Universities freely for educational purposes, including degrees in arts, to the Dissenters, would satisfy many, and allay the dissatisfaction of all. At any rate, it is neither wise nor just to refuse doing justice to a claimant, because, when he has received all to which he is clearly entitled, he might possibly demand more—and having approached the limit of his own domain, proceed

to encroach upon his neighbours. Suffer him at least to advance to the extent of his clear and admitted right, and at that point, where he becomes the aggressor, make your stand; and then rely on the goodness of your cause and the aid and sympathy of all good men.

We should rejoice to see the academic authorities take up the question upon these reasonable grounds, and by internal regulation, and spontaneous adaptation, supersede the necessity of national legislation. We wish it for their own sake; we wish it for the sake of the general interests of science; we wish it for the satisfaction and benefit of the separatists; for to all these interests would such a concession be eminently advantageous. If they do not apply a remedy to these evils from themselves, they may be assured, that it will, ere long, be forced upon them, by no very benignant or gracious arbiters, and in a shape much more distasteful and injurious than that which we now recommend. An attempt has already been made to throw the Universities open, and crude and inapt as the measure was, it received the sanction of the House of Commons. The majority of the members of that House are so deeply impressed with the unjustifiable nature of the obstacles, that they are disposed to believe any change an improvement. Had it been otherwise, they never would have sanctioned that mischievous and absurd bill introduced by Mr. Wood. The first provision of that bill, which throws open the Universities to all His Majesty's subjects, of "unexceptionable moral character, and of competent knowledge," by depriving the authorities of the power of selection, destroys all discipline and subordination at a blow. Besides, having entered his parliamentary pupils, and matriculated them in due form, what provision does he make for their subsequent protection and education? None whatever. The University, as such, does not, cannot, supply them. It does not possess the machinery. And as to the colleges, where alone domestic superintendence and a regular course of study are established, no security is taken for their admission into them; nay, the final clause shuts them out in effect. "This Act shall not give a right of admission to any separate college or hall, contrary to the conditions established by their respective statutes." To what end, therefore, would Mr. W.

introduce a crowd of young persons into the towns of Oxford and Cambridge, to leave them at large, subject to no authority, and receiving no instruction? It is evident, therefore, that he ought either not to have gone so far, or gone much farther in compulsory legislation. Having made an irruption into the University, in defiance of the academic authorities, he ought to have pushed on his forces into the colleges, and subverted the collegiate corporations; that is to say, battered down the whole system, and reconstructed a fresh one out of the ruins.

Does Mr. Wood feel himself qualified for such an enterprise? We suspect that the delicate office of taking down, without demolishing the materials of an academic edifice, and afterwards arranging and reconstructing them on scientific principles, surpasses his skill, and is little congenial to his pursuits and tastes. But should he be tempted to try his hand again at academic legislation, we would venture to recommend, that his scope ought to be limited to the prohibition of all religious subscriptions, and all political oaths, preparatory either to matriculation, or of taking the B. A. degree, leaving to the presidents the discretion, in each individual instance, of receiving or rejecting the candidate. To deprive them of this discretion, is to deprive them of their authority. The government of masses of young men, by moral suasion, is no very easy matter, under the most favourable circumstances; but if candidates for admission, came to the University with Mr. Wood's Bill in their hands, having the force of law, and demanded to be admitted upon the strength of its provisions, subordination would be at an end.

But looking to the great advances made during the present century, in both Universities, towards a rational and effective, and even liberal policy, and observing the many talented and enlightened men, who are interspersed among their legislative bodies, we are convinced that all that is necessary, is, to remove, by Act of Parliament, those fetters by which the Hebdomadal meeting, the Caput, and Proctors, impede their march towards gradual improvement, to throw open the fellowships, and prohibit the use of religious declarations and oaths, as respects under-graduates. It is wonderful, and shows the elastic and irrepressible force of knowledge and truth, that, with

such an incubus pressing on their moral energies, as these two\* ponderous and inert masses, so much could have already been done towards making our Universities, what they are capable, under reasonable management, of becoming, the most flourishing and splendid seats of literature and science in the world.

We are no friends to rude and violent innovations from without.—We have no wish to hand over the Universities, bound hand and foot, to be operated upon by such artists as Mr. Wood; for the same reason that we would not consign our watch, if out of order, to be repaired by the hands of a village blacksmith. But we should desire to see some enlightened *friend* of the Universities take up the matter in Parliament, and relieve the students from subscriptions, and oaths, and the convocation from its dependence upon the initiative, and the veto of the Vice-Chancellor, the Proctors, and the heads of houses. For it is to be observed, that these regulations, being introduced by royal statutes, cannot be rescinded by the academic authorities, without parliamentary or regal intervention.

If it should be necessary, in order to prevent the senate and convocation from becoming debating clubs, to put some limit to motions and discussions, let these bodies themselves, devise some simple order for that purpose. Suppose, for instance, that an order should be made to prohibit any relation of a fresh law, except a written notice, signed by ten Regents, and countersigned by the Vice-Chancellor, were published a certain number of days before. In this case, the suggestion of any innovation would rest with the Regents themselves, but the initiative with the Vice-Chancellor—indisposed, perhaps, to change, but still an individual, having a conscience, having a character, having sensibility to praise and blame, responsible and amenable to the tribunal of public opinion, both in and beyond the University. If the legislative bodies were set free to deliberate and decide upon any measure that might be suggested and sustained by satisfactory argu-

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\* It must be observed, however, that there is this difference between the Hebdomadal meeting at Oxford and the Caput at Cambridge. The former is composed of the heads of the houses themselves, the latter of their representatives—five persons chosen by them out of fifteen nominated by the Vice-Chancellor.

ments, we should, in a little time, see all necessary improvements gradually introduced, both into the government of the University, and the studies in which its under-graduates are trained.

It is impossible, even now, to speak with too great respect and admiration of the system pursued at Cambridge, in the mathematical departments, in the preparation and examination for academic degrees—more especially for *honorable* degrees. The competition they excite, the exertions which they stimulate, the talents they elicit or create, the high attainments they verify, and above all, the discriminating and impartial spirit of the tribunal, are entitled to our highest and most fervent applause. If we might be permitted to suggest any change, it would be that all candidates for degrees, whether they *declare* themselves or *not*, should be examined for honours, and that all who stand above the middle point in the classification, as being above mediocrity, should be recorded in the honourable tripos. Young men often relinquish hopes of success through diffidence, oftener, perhaps, through procrastination and indolence, and having once lost ground, are hopeless of retrieving it. Not seldom too they abstain from declaring themselves for honours through timidity. They are willing, therefore, to take shelter among the inglorious *ἡ μάλα* rather than be seen to aspire after honours which they may prove not qualified to reach.

Objection has been taken to the Cambridge plan, that it is too exclusively mathematical. There may be some truth in the charge. But we think the imputation lies rather upon the order or species of mathematics that it encourages, than upon the science itself. The students are hurried too rapidly over the elementary and logical part of the science. They are encouraged to adopt as axioms and definitions, expressions which are in truth problems and theorems; and, instead of exercising their understandings by tracing up abstract truths from their self-evident elements, to charge their memories with symbols and formulæ, which they have never verified to their own understandings, but from which they fearlessly draw conclusions, not because they have perceived every successive step of the analytic induction, but because they learn from authority, or empirically discover, that these conclusions are mathema-

tically true. This is certainly not wholesome exercise for the mind. It is not genuine science. It is, as respects themselves, delusion—as respects others, imposition. It is building the pyramid of knowledge upon its apex instead of its base. It is also of the least possible application to the practical uses of life. Mathematicians of this, the French school, by the application of differential formulæ, are able, no doubt, to solve the most delicate and abtruse problems of astronomy, hydrostatics, and mechanics, which are proposed to them, even while they are not able to connect any physical observation with the axioms, and definitions, and analogies, upon which their own calculations and theories are founded. For this tendency of the study of abstract science to run waste, and delude the student with the phantoms of science, we see no remedy but an authorised system being publicly enjoined. It would, indeed, be an incalculable benefit bestowed upon the academic youth, if any competent person, or number of persons, would draw up a connected system of pure mathematics and natural philosophy. Isolated treatises on the several branches are issuing daily from the press, recommended often by respectable names, and many of them distinguished by great merit. But starting from different points, and assuming different data, although bearing the same title, they distract the young student in his choice, and perplex his views. A mathematical Cyclopædia, such as we are alluding to, should be drawn up with a peculiar reference to the importance of communicating clear and strictly logical views of the first principles, and exhibit in consecutive unbroken connection mathematical and physical truths.

If such a work were constituted, by the proper authorities, the indispensable foundation on which the lectures should rest; and through which, as a first step, the examination for honour, should be conducted, those evils, which we have mentioned, of unscientific anticipations, and baseless acquirements, would be remedied. It would also put fairly before each candidate, the course he would have to run. This would not in any sense, prevent the gifted and ambitious candidate, from mounting from this solid foundation, and soaring into the highest empyreum of astronomical science, furnished with those powerful synthetical instruments of calculation, which La Place

and La Grange, and disciples of their school, have provided for their use.

The mathematical course of lectures is indeed substantially unexceptionable\*, in the several colleges of Cambridge. We would desire nothing better than to see it arranged and consolidated into a regular and authorised system. It is in the senate house examination, that too much importance is given to the most abstruse, but least available parts of mathematics, in which, also, there is left too much room for contingency, that is, whether or not the wrangler shall have pursued that course of reading, which shall be most appreciated by the moderators.

The efforts hitherto made in Oxford, to enforce a mathematical spirit, have been in a great measure fruitless. We have not the same complaint to make in this university, of the ambitious aspirations of the students, after the higher order of mathematics. The Oxonians rarely proceed beyond the elementary, even the humbler region of the elementary principles. It is to this error that we attribute the languor pervading this study at Oxford. The different compartments of mathematics mutually depend upon each other—the lower almost as much upon the higher, as the converse. The use, the adaptation, the beauty of the inferior compartments, cannot be discerned till the higher compartments are reared upon them. The mathematical student having laid a solid foundation, should proceed, like the architect, and run up the several stories of the edifice, and afterwards return to embellish, and complete and strengthen it, in all its several members, from the foundation to the summit. But the truth is, that the tutors have no predilection for the science, they hold it in no honour; they cannot in form discourage or in words disparage it, or even refuse it a place in their system; but their commendation is forced and cold, and they reserve

\* The course at Trinity during the three years of under-graduateship, is as follows,

*First year.*—Euclid, First part of Algebra, Plane Trigonometry.

*Second year.*—Mechanics, Conic Sections, Differential Calculus, Integral Calculus, Newton's Principia.

*Third year.*—Optics, Spherical Trigonometry, Astronomy, Hydrostatics.



all their cordial admiration and applause for classical distinctions. The honours and the emoluments too of Oxford, are reserved, almost exclusively, for literary merit. In the half-yearly lists of distinguished degrees, it will be seen that ten seek honours "*in litteris humanioribus*," for one who aspires to distinction "*in disciplinis mathematicis et physicis*." As mere qualification for a degree, the smallest conceivable amount of mathematical knowledge is required, not extending, we believe, beyond the two or three first books of Euclid.

This almost total neglect of the study of mathematics, and the physical sciences founded upon them, is a glaring and intolerable defect of the Oxford system. That men whose lives have been devoted to study in the most favoured seats of learning, and who have received from such authority the credentials of literary and scientific proficiency—bachelors and masters of arts—should find themselves ignorant of the first rudiments of geometry, is surely a very heavy imputation upon the place of their education. Such, however, is very commonly the case. The graduate may have been conducted through all the elegances and niceties of the ancient authors—be a great adept in the Greek and Latin languages, and yet be ignorant of the first principles of mechanics, astronomy, and optics; and unacquainted, not only with the properties, but the very names of the figures, which are familiar to the mouths of the most ordinary artisans. It must be to such persons a matter of serious regret, and often serious inconvenience, that when they have to examine the construction of a steam-engine, the orbit of a planet, the approach of an eclipse, the gravitation of material bodies, the appearances of the planetary system, or any of those operations of art, or phenomena of nature, which daily present themselves, that they should be ignorant of those principles, which enable the mathematical student to account for their position, to calculate their motions, to show the advantages or disadvantages of their configuration, and to estimate the forces by which they are impelled, disturbed, or impeded. But there are more weighty considerations even than these. It is evident, that new elements are in the process of passing into the social system, while old ones are being

excluded. Wealth, and talent, and energy are superseding rank, prescription, and dignity. An active fermentation, therefore, is pervading the whole political mass—hitherto quietly in England, but accompanied with strong convulsions, and violent outbreaks in other parts of Europe. This agitation will in the issue subside into a new arrangement of its various elements, according to the value in which they are held at the moment of consolidation, or the influence they exert in the public mind. We say, then, that Oxford commits treason against her sons, the rising hopes of the privileged classes, when she fixes their attention upon the antiquities and philological minutiae of the ancient authors, and permits another class to possess themselves of the modern languages and all those modern sciences, by which the arts of life are advanced, and particularly of that knowledge of international and municipal laws, of political economy, and statistical facts, by which the internal prosperity of the country is to be secured, and our relations with foreign nations regulated, whether it be to cultivate a friendly and beneficial intercourse, or, if need be, to counteract their designs, and repel their aggressions. During the continuance of this process of social transition, to exercise the ingenuity, and occupy the time of the hereditary legislators of England, in restoring a corrupt passage in Lycophron, in tracing an obscure allusion in Aristophanes, or scanning a complicated chorus in Æschylus, is like arranging a cabinet of shells, or repairing a fractured vase, when your house is on fire.

We would not be understood, in what we have said, to disparage a classical education, or to undervalue the efforts that have been made both by the University in general, and more especially by the better class of Colleges in Oxford, to give a large and comprehensive range to their favourite subjects. We are aware of the correctness and taste that a study of the ancient authors communicates, and of the valuable facts they contain, and sound opinions they deliver, on the various subjects which have employed their thoughts and displayed their genius. The experiments and precedents, and conclusions of past ages are not to be rejected, and a fresh set of experiments conducted, at the expense of human happiness,

on the same subjects. But when it is considered that young men are admitted into our Universities at the manly age of eighteen and nineteen, after having consumed nine or ten years on such studies, it is surely unreasonable to superadd the three or four years yet remaining to qualify them for real life, its practical duties and interests, and thus to accomplish nothing in an educational process of fourteen years beyond philological accuracy and classical elegance. When a young man has entered the University, he ought to have done with prosody and syntax, and the other grammatical rudiments of the ancient languages. If he has attained them previously, very well, if not, it is now too late. Let them be no more mentioned, —not even mentioned. Manly years call for manly cares. If the lecture room is to be a continuation of the school, at all events, let it be one stage in advance. Let the ambition of the students be raised above mere verbal criticism, of what is ambiguous in phrase, or obscure in allusion, and excited to emulate, in his own language, the glowing periods and patriotic spirit of Demosthenes and Cicero; to profit by the political lessons of Livy, Thucydides, Polybius, and Arrian; and to make them all bear upon real life by a comparison with the most accomplished orators and enlightened historians of our own and neighbouring countries.

We should not object to the taste of young men being refined by the dramatic poetry, and their imaginations being lighted up by the lyric strains of the great poets of Greece and Rome. But the attempt to make the academical students generally, annotators of obscure passages, and emendators of mutilated passages, is plainly ridiculous. It is as if nothing were beautiful that is not obscure; nothing sublime that is not imperfect; —as if a detached fragment were more exquisite than an entire statue, and the finest forms that genius ever sculptured had no title to be admired, except they were defaced by time, or shattered by accident.

Of all the circumstances connected with the Oxford course of reading, none is more surprising, and at the same time so mortifying, as the importance that continues to be attached to logic. It is singular, that of all those liberal arts, in which a graduate might be presumed to be proficient, logic, certainly the

least useful, should be the only one, that is held indispensable as a qualification for a degree\*! There exists, no doubt, a species of dialectics, which might be termed natural logic, which is useful to the student, such as is taught by Locke when he investigates the foundation of our knowledge, and through the simple ideas which our senses collect from the objects around or within us, traces it up to the most refined abstractions and profound theories; or, as Bacon directs us, to experiment upon the natural world, and watch the processes of nature, that by a cautious induction of particulars we may arrive at general truths. But we are convinced that the technical logic of the schools has no tendency either to enlarge our knowledge (indeed, that is out of the question), or even invigorate our reasoning powers. Nay, we would go farther, and maintain that if a man would either converse with ease, or speak with effect, or reason with clearness, he must forget that he had ever constructed syllogisms; and still more, that he ever held communication with that barbarous jargon, in which the Hierophants of this temple choose to impart, or involve their mysteries. Who, at this day, at least who that has been three days out of the Oxford schools, ever thinks of arranging his argument in a regular series of technical propositions, or cares that in omitting the middle terms, and talking or writing like a man of sense, his arguments may assume the form of an enthymema? And since no one who writes or speaks anything worth attending to, at this time, publishes his sentiments in a syllogistic form, the knowledge of that artifice, even for the detection of error, becomes worthless.

But those who estimate logic at the highest, must allow that it is not knowledge of itself, but an instrument to assist us in acquiring it, and a test by which we learn to distinguish sophistry from demonstration, and truth from falsehood. If then it must form a part in the process of academic education, let it be the first in the series of sciences. Coming in the

\* It is curious to remark, how aptly Chaucer, in the fourteenth century, describes an Oxford student of the nineteenth:—

“ A clerke there was of Oxenford also  
That unto logic had long y-go;  
For him was lieven hang at his bedde's head,  
A twenty bokes, clothed in black and redde;  
Of Aristotle and his philosophie,” &c.

rear, it must be superfluous, at least, both as an instrument and a test. How very preposterous, therefore, is it, that it should constitute the final examination of the Oxford course, when the mature and laureate student is supposed to be furnished at all points, and is preparing to carry into practice those theoretic principles, and abstract truths, which he has acquired in the University. If then logic must be retained, for the sake of those good pains-taking worthies of the olden time, who have been at the trouble of classifying shadows into a system, and giving "to airy nothings a local habitation and a name," let it be disposed of in the first term, or, at least, in the first year of residence; but, after the "little go," let it be heard of no more.

If we could prevail upon the Oxonians to repudiate their favorite logic, we should not despair of conciliating their patronage to the pure sciences. If any subject of examination for a degree is to be made indispensable, next to the evidences and essential doctrines of religion, we presume to think it should be a compendious system of elementary mathematics, with the addition of at least one of the natural sciences—either mechanics, or astronomy. Where a competent proficiency in these subjects is not attained, no honours ought to be assigned to classical superiority—however great—not even a degree conferred. The very name of "master of arts" is an illusion to the graduate, and an imposition upon the public, where those arts are never learned.

We should be delighted to meet with a treatise, drawn up by an intelligent person, of enlarged views, pointing out the merits and demerits, the defects and redundancies, of the academic system, considered as a course of education for the superior and middle classes of this empire. Such a work, we flattered ourselves, we had found in Professor Sedgwick's "Discourse on the Studies of the University"—the first in the list of titles prefixed to this article. We have, however, been sorely disappointed, and as much surprised at the general tenor of his observations. After some very just and very incontrovertible encomiums, bestowed upon the mathematical and physical sciences (including geology, of course) he then proceeds to direct the main current of his arguments against the theories of Locke and Paley. Considering the high

acquirements of the Professor, his long intercourse with scientific persons and studies, and the independence, as well as integrity, of his mind, we are unwilling to class him with that noisome swarm of superficial reasoners, who have busied themselves in refuting and disparaging theories, which they have wanted diligence or penetration to comprehend.

We will now, however, produce some of Professor Sedgwick's animadversions, and leave our readers to determine the character of his errors—which of them come of misapprehension, and which of misrepresentation.

"In discriminating the ideas, we derive from reflection, and pointing out the modes, in which the mind is gradually raised to its full strength and stature, the 'Essay on the Human Understanding' is not only defective in execution, but is also, I think, faulty in its principles. The account it gives of some of our simplest abstract notions, is erroneous," &c.—(p. 47.)

Again:—

"The distinction between innate ideas and innate capacities, is almost overlooked in the work of Locke."—(p. 48.)

"Another great fault in the Essay of Locke, is its omissions of the faculties of moral judgment."—(p. 52.)

"Let it not be said, that our moral sentiments are superinduced by seeing and tracing the consequences of crime; nor, that the moral sense comes of mere teaching."—(p. 53.)

"It is by the imagination, more, perhaps, than any other faculty of the soul, that man is raised above the capacity of a beast. To a certain extent, also, they possess, I think, the powers of abstraction, though this is denied by Locke: but of the imaginative powers, they offer, perhaps, no single trace."—(p. 49.)

We have quoted Professor Sedgwick's objections in his own terms, lest we should be thought to have travestied or distorted them.

The Professor's objections, then, to Locke's Essay on the Human Understanding, are three:—

1. That the distinction between innate ideas and innate faculties, is almost overlooked.

2. That it omits the faculties of moral judgment, and rejects the doctrine of a moral sense.

3. That it distinguishes man from the lower animals by the faculty of abstraction, instead of imagination.

Now, what are the arguments by which he refutes the first error? He triumphantly asks:—

"What would be the value of the senses, were there no sentient principle within; and where would be the use of teaching, were there no inborn capacities in the soul, to

“ apprehend, and to be acted upon?” We very frankly answer, None. But before Professor Sedgwick had imputed such an absurd opinion to Locke, he ought to have examined whether or no Locke had ever stated, that man is originally provided with no “ sentient principle,” no “ inborn capacities.”

For this purpose, he need not have dipped very deep, as, in the first two paragraphs of the “ Essay” he would have found that the old philosopher draws a broad and clear distinction between innate ideas and innate capacity; and, if the Professor had chosen to proceed with the search, he would have found that he never once loses sight of the distinction, from the beginning to the end, of his immortal and irrefragable work.

It is true, that Locke does not establish the proposition of our having innate capacities, by a regular process of induction, because it presents itself intuitively as an ultimate fact, to every man’s common sense. But in his very first paragraph he states, that “ the understanding, like the eye, makes,” that is (according to Locke’s use of the word), enables “ us to see “ and perceive all other things.” In his second paragraph, he is still more explicit, and studiously fences against all, but the most stupid, or wilful, misinterpretation of the subject of his investigation.

“ I shall not, at present,” he says, “ meddle with the physical consideration of the mind, or trouble myself to examine, wherein its essence consists, or by what motions of our spirits, &c. . . . These are speculations, which, however curious and entertaining, I shall decline, as lying out of my way, in the design I am now upon. It shall suffice to my present purpose, to consider the *discerning faculties* of a man, as they are employed about the objects they have to do with.” —(Book I., ch. 1, Essay.)

With what colour of reason, then, does the Professor charge Locke with losing sight of the distinction between innate ideas and innate capacities, or, why should he indignantly ask “ if the mind be without knowledge, is it also to be considered as without innate feelings and capacities—a piece of blank paper, the mere passive recipient of impressions from without?”—(p. 54). Locke maintains no such absurdity as that the mind has “ no innate feelings and capacities, or that it is a piece of blank paper, the mere passive recipient of impres-

"*sions from without.*" He does, indeed, *compare* the mind previous to experience, to a piece of blank paper in this one particular; as having no characters inscribed upon it; but he does not compare it in its essential nature, for he says he is "not examining wherein its essence consists," neither does he insinuate that the mind is a "mere passive recipient of ideas from *without.*" We say, then, that the Professor utters a groundless and gratuitous calumny against departed genius, and perverts the judgment, by misdirecting the feelings, of his youthful audience, when he charges him, on such an assumption, with being the author of an "hypothesis which the whole history of man shows to be an outrage upon its moral nature."—(p. 54.)

The next imputation against Locke is, that he denies the existence of "innate moral faculties, and innate moral sense." Professor Sedgwick uses "moral sense," and "moral faculties," and "moral capacity," as synonymous. Hutcheson and his followers, of which Professor Sedgwick appears from his line of argument to be one, use these terms in the same indiscriminate and ambiguous manner. They seem, indeed, to take refuge from the inconsequence of their own arguments in the obscurity and vagueness of their language. There may be no innate moral sense, and yet there may be innate moral capacity or faculties. By moral sense, we understand the actual ability of distinguishing right from wrong; by moral "faculty" or "capacity," a natural provision for admitting and comparing ideas when duly presented to us, and acquiring moral principles and sentiments by reflexion upon our own experience. The former clause of this proposition Locke denies when he says, that man has "no innate moral principles;" the latter he admits when he says that men, by the use of "their natural (that is, innate) "faculties attain to all the knowledge they have, without the help of innate impressions, and without "any original notions and principles."

This position is so amply and satisfactorily maintained by Locke, and with such a multitude, almost to an excess, of instances and proofs, that we should never have thought it necessary to meet any antagonist upon such ground, and least of all Professor Sedgwick. Yet he very boldly avers that "the statement is not true that our moral senti-



"ments are superinduced by seeing and tracing the consequence of crimes." The argument by which he sustains the negative of this proposition is, that which Professor Hutcheson uses with great confidence, in his very interesting but very unargumentative treatise on morals—the *early* sense of shame in children—the *early* sense. But supposing it to be *early*, even *very early*, it does not prove it to be *innate*. It is; indeed, *early*, but never prior to experience—never before the child has committed an offence, been detected and punished, or reproofed. This reproof, this punishment, if accompanied with a consciousness of having done wrong, produces a painful sensation, which we call shame—or, if with a consciousness of right, it excites indignation. But before we can feel a *sense* of shame, or indignation, we must have learned in some measure to distinguish right from wrong, and therefore the sentiment, which depends for its existence upon knowledge which *has* to be acquired, cannot be innate. In truth, the child blushes, but the infant does not.

Yet after all this unfair representation and unsuccessful cavil, he goes farther even than Locke himself, in stating the innate ignorance and helplessness of man! Indeed, the inconsistency of his own views, is to us amazing: In one page (48), he says, "We have a heaven-born conscience, and innate *intellectual powers*;" and in another (54), he tells us, "that man comes naked from his mother's womb; endowed with limbs and senses indeed, yet *powerless* for want of use; and as for knowledge, his soul is one universal blank." Now Locke never goes so far as to say, that the senses with which a man is born are *powerless*. Indeed, he says, on the contrary, that they *have* the power of receiving *impressions*, and communicating them to the understanding. Neither does Locke ever talk such nonsense, as of intellectual *powers* that are "*powerless*." In short, he states, and he proves incontestably, that man has neither innate knowledge nor innate moral principles, but that he has "innate faculties, fit to attain as easy and certain knowledge of them as if they were originally imprinted on the mind."—(Book I., ch. 2.)

Nor, in our opinion, is the Professor more fortunate in substituting for Locke's "abstraction" his "imagination," as the distinctive attribute of the human understanding.

As to whether beasts possess, or not, the power of abstraction, we venture no positive opinion. Locke thinks they do not. Sedgwick thinks they do. We leave the question to be settled by the learned in comparative psychology. It is a mere incidental remark of Locke, and has nothing to do with his theory. But we cannot agree with the Professor, that animals have no imaginative powers. We have often observed dogs, in sleep, uttering an imperfect bark, and moving their limbs as if dreaming of the chase; nor could we help concluding that they *imagined* they saw the object of their pursuit before their eyes.

But, perhaps, this may be called dreaming. Take then a waking instance. Take the hunting horse—it hears at a distance the voice of the hounds—in a moment every nerve is on the stretch—every sense on the alert—and every movement and attitude evince impatience to join in the chase. Can we doubt in this case, that the sound touches one link in the chain of ideas, which memory has treasured up in the mind of the animal, and so calls forth the whole series—the animation, the competition, the cheerful sounds and sights, of the field, in which it is known to take delight? What is this but imagination? For our own parts, we are not jealous of any approaches the inferior animals make towards us in their intellectual powers. Their minds may be, for anything we know, similar in kind, but only much inferior in degree, for if not incapable of abstraction, they are at least incapable of building up those sciences which depend upon that faculty.

There is one observation made by Professor Sedgwick, in which we are inclined to concur, but which ought not to have been pointed against Locke, but against such readers of Locke, as either through negligence misapprehend his meaning, or for their own purposes, wilfully pervert it. “Hence the ‘Essay on Human Understanding,’” says Professor S., “produced a chilling effect on the philosophic writings of the last century, and many a cold and beggarly system of psychology was sent into the world by the authors of the school of Locke; pretending, at least, to start from his principles, and to build on his foundation.” He alludes here, we suppose, to some theories of materialism and of atheism, which have been unfortunately prevalent in Europe, and which seemed to

derive some countenance from the name and writings of Locke. How unjustly, let this paragraph from the "Essay" determine: we quote it at length, both for the purpose of rebutting the Professor's charges, and more particularly to show how remote this great man's notions are from those of the sociologists who have misunderstood or misrepresented him.

"The same thing happens concerning the operations of the mind; namely, thinking, reasoning, fearing, &c.; which we, concluding not to subsist of themselves, nor apprehending how they can belong to body, or be produced by it, we are apt (that is prepared) to think these the actions of some other substance we call spirit. It is plain, then, that the idea of corporeal substance, or matter, is as remote from our conceptions and apprehensions, as that of spiritual substance or spirit. And, therefore, from our not having any notion of spirit, we can no more conclude its non-existence, than we can for the same reason deny the existence of body; it being as rational to affirm there is no body, because we have no clear and distinct idea of the substance of matter, as to say there is no spirit, because we have no clear and distinct idea of the substance of a spirit." (Book II, ch. 23, Essay.)

Now, if our readers should think that Professor Sedgwick has treated Locke either unfairly or unskilfully, they will be disposed to believe us when we say that he has treated Paley much worse. We have not space left for examining his arguments in opposition to Paley's theory. But when we shall have shown that he has very materially misrepresented him, undesignedly we hope, it will easily be inferred that his refutation, being inapplicable, cannot be conclusive. He charges Paley then with attempting to prove that "actions are only to be estimated by their general tendency." Now considering this to mean, what the line of argument in the "Discourse" clearly indicates to be the moral estimate of actions, it is the reverse of what Paley says. He does indeed state, and who can gainsay him, that actions in the abstract must be estimated by their tendency; but he also states that "the morality of actions is to be estimated by their design" (Moral Philosophy, p. 48). An act of relieving want, he explains, is good in the abstract, whatever the motive be; but it is not virtuous, if it springs from ostentation, or any other motive than charity, prompted by obedience to the will of God.

Again, the Professor alleges that Paley "attempts to prove that utility is the touchstone of right and wrong." (p. 60) Now Paley says, on the contrary, "that many actions are useful, which no man in his senses will allow to be right."

The will of God, he says, is *our* rule. Of course, it is the conformity to that will, or the violation of it, that constitutes an action morally right or wrong, according to Paley's system. The will of God, then, is the touchstone of moral utility, of abstract right and wrong.

But we have not time to enter further into the subject, nor should we have wasted so many words over it, had we not conceived that it is connected with some projected changes in the metaphysical studies of the university, and that the authority of the Professor's name, the time and place of its delivery in "Trinity College chapel, on the annual commemoration, and being published at the request of the junior members of the society," might give it an influence which its intrinsic merit is not calculated to command. The least fault of "The Discourse" is, that it is diffuse, rambling, inconclusive, and unreasonably declamatory; and therefore as ill adapted as possible for a philosophical dissertation. But it is, moreover, full of mis-statements, which, on the most favourable supposition of their proceeding from inadvertence, are very unworthy of the author, of the place, and the occasion from which it emanated.

We now revert, for a moment, to the main subject of this article; and we do it to make our appeal to the influential members of the two universities in favour of such improvements of their system, as we have ventured to suggest, and particularly for the extension of its benefits to a larger class of their fellow subjects, Dissenters included.

We know how indisposed men are to take down systems under which they have been trained and lived; how painful it is to force innovations upon interested societies, who may be disturbed by the process, but cannot benefit by the fruits, of improvement. We also know the reluctance that is felt in making concessions to parties who threaten, and parties who stigmatise, either justly or unjustly. But we are addressing ourselves, we hope, to reasonable, enlightened, and conscientious men; capable, therefore, of flinging aside selfish and sinister considerations; and we ask them whether it is either just or reasonable that the Dissenters should be excluded from the great resorts of national education; we ask them whether the temporary inconvenience of change bears any proportion of evil to the perpetuation of a vicious system; and whether

the number of students who enjoy the advantage, the incalculable advantage, we esteem it, of an academic education; bears any just proportion to the magnitude of the endowments and the number of recent graduates which the two universities contain.

We believe at this moment there are nearly as many graduates as under-graduates on the books of the different colleges. We believe not more than one-tenth of the fellows are actually engaged either in tuition or lecturing. In short, there are the means, both personal and material, for educating three times the number of students at present in residence; there are the means of greatly diminishing the expense; and there are the means of augmenting indefinitely the advantages of the university system.

This can be effected only by rendering the inefficient colleges effective, and by extending those that are already efficient. What service, for instance, does "King's College," "Downing College," in Cambridge, or "All Souls' College," and "New College," in Oxford, render to the cause of academical education, and why should not their constitution be so reformed as to make their magnificent revenues as serviceable as those of "Trinity," "St. John's," "Oriel," "Christ Church," and "Brazen Nose Colleges?"

We believe that New College, with its seventy fellows, and with revenues not less than thirty thousand a year, *does* contrive to afford education to about a dozen gentlemen commoners. But King's College, with equal resources, does not admit any members, except fellows elect from Eton. But that these societies may display their impartiality and disinterestedness, they withhold from their own members what they refuse to others, and they claim exemption from the ordinary discipline and studies! and even from examination for their degrees. We do not know whether to express more astonishment at the societies that claim, or the universities that grant, such an immunity—a privilege to be disorderly and idle in a place of education!

Very analogous to this is the admission of noblemen to degrees after but two years of residence, without examination, and the temptation held out to them to "despise authorities" by conceding to them an ostentatious precedence, not only over their fellow-students, but over their tutors. This privilege, we need not

observe, operates most unfavourably both upon the minds and characters of the noblemen themselves, and upon the estimate and sentiments which are entertained of them by their contemporaries. In a place of education, there ought to be no distinctions or honours, but those which are earned by literary and moral desert. To impress young men, in the process of education, that they are entitled, by hereditary and indefeasible right, to public deference and respect, is to poison knowledge at its fountain-head, and to render the Universities, instead of scenes of moral and intellectual discipline, instruments of degeneracy and debasement.

It may be thought ungracious, to address ourselves, in conclusion, to the fears of the higher powers of the Universities. But there is no impropriety in appealing to their prudence and liberality. We are persuaded, that two sessions will not pass over, before a fresh and much more vigorous attack will be made upon the present policy of the Universities. We would, therefore, in all good feeling, press it upon their friends to take advantage of the interval to prove their disposition to make improvements, by removing at once some of those obstructions which now narrow their application, and to introduce such alterations, as will be an earnest of their intention gradually to adapt the pursuits of the Universities to the exigencies of society.

We should lament to see any rash and ignorant meddling with these venerable institutions; but we are so entirely convinced, that the services they at present render, considerable as they are, to the country and the world, are so small in proportion to that of which they are capable, that we shall never cease to expose their defects, till a large, liberal, and fundamental reform, both of their studies and discipline, has been accomplished from within or from without.

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## ARTICLE IV.

*Examen du Système Electoral Anglais comparé au Système Electoral Français.* Par M. JOLLIVET, Membre de la Chambre des Députés. Paris: 1835.

*The Monarchy of the Middle Classes; or, France.* Second Series. By H. L. BULWER, Esq. M. P. London: 1836.

*Compte rendu au Roi sur les Elections municipales de 1834, par le Ministre de l'Intérieur.* (Published by M. THIERS, Jan. 1836.)

*Analyse des Votes des Conseils Généraux de Département.* 1833 et 1834.

*Rapport de M. de Rambuteau sur l'Administration Municipale de Paris en 1835.*

*Compte rendu au Roi par le Ministre du Commerce (M. d'Argout) sur l'exécution des Lois relatives aux Gardes Nationales.* 1832.

Few questions have been more debated in France since 1830, than the electoral franchise. But these noisy and animated discussions, which seemed to touch the most weighty interests of the nation, have not excited a corresponding echo in the country. As is usually the case when the people are indifferent, the controversy has been appropriated by parties, which have measured its importance by their own passions, without considering the state of public information and of public feeling. Some, viewing the question on the part of aristocracy, have affected to restrict the exercise of the electoral franchise to a single class of society; whilst others, representing the pitiless logic of democracy, have asserted the claims of the entire mass of citizens to the right of suffrage. Both these solutions were equally exclusive, and equally devoid of facts for their basis.

It is useless to inquire, with the Republicans, if the right of voting belongs to every citizen, whose name is registered to the public contributions; or if, as the Doctrinaires argue, this right is only a function, vested in the few for the benefit of the many. As long as the discussion is restricted to the abstractions of theory, it must remain without results. The laws of a people can only be understood and judged by com-

paring them with its social condition. Of what importance then can it be to know, that all the citizens are naturally members of the governing power, if we are ignorant of the degree of moral and intellectual capacity united to the franchise, which they respectively enjoy?

The elective system of France has not yet been appreciated, either as a whole, or in relation to the moral and intellectual condition of that country. Not that the elements of this comparison have been wanting; for the materials abound, and only require to be employed with discernment. The administration publishes every year the official documents, which demonstrate the results of the system established by law; and the study of the situation of public opinion is a task, which perhaps demands less intelligence than candour.

M. Jollivet and Mr. Bulwer have, apparently, no pretensions to supply these deficiencies in political science. It is difficult to imagine any book less original and more vacant than these two compilations. Mr. Bulwer, at least, was treading upon new ground; but more accustomed, as it would seem, to consider the facetious than the serious points of his subject, it may be presumed that his object was not the instruction of his readers. But M. Jollivet, a member of the Chamber of Deputies, and who has contributed, in that capacity, to modify the system of French legislation, was bound to produce a work of more solid importance. M. Jollivet has brought an action against the *Courrier Français*, for the purpose of compelling that journal to declare that the judgment passed in his book, upon the electoral system of Great Britain is sound and correct. But even if the irascible Deputy were to address us with an argument of the same nature, we should venture to remark, that the portion of his work, which concerns the electoral system in France, is of very little value. In default of that information, which writers, treating the subject *ex professo*, owed to the public, but which they have neglected to furnish, we shall be allowed to derive the data of our remarks from official publications, and to complete them by our own observations.

Before the revolution of July the crown exercised nearly a sovereign authority over the country. It created the peers, whose hereditary titles were afterwards transmitted to their families; it designated, through the medium of the



ministers or the prefects, the members of the *Departmental Conseils Généraux*, and of the *Conseils Municipaux*. The Chamber of Deputies was the only elected power in the state; and even there, the combination of the Double Vote, and the privilege of appointing the presidents of the electoral colleges, which was reserved to the crown, necessarily annulled the choice of the nation under ordinary circumstances. Thus the budget of the nation was subjected to an illusive control; and the people had no effective control over the budgets of local expenditure.

The consequence of the movement in July 1830 was the conquest by the elective power of all these positions which had been usurped, or were still contested. The Chamber of Deputies assumed the initiative, which had been refused to it by the Charter of 1814. That assembly, which had not the right of choosing its own president or of proposing amendments to the laws, was invested, by circumstances, with a constitutive authority, by virtue of which it created a charter, a king, and a dynasty. The whole nation rose, organised its own battalions, and appointed its own chiefs, to keep watch and ward for the maintenance of the new order of things. The legislature contracted an engagement to accomplish in time, what it was unable to do at once. Election became the common political law of the country. The executive ceased to exist as a peculiar force which is only responsible to the Divinity; it assumed the rank which belongs to it; and it now stands subordinate to public opinion, that power of modern societies, which it represents by delegation.

The elective system which was instituted in France by the revolution of July, is not the rigorous application of the principle in its widest extent, nor does it satisfy all the interests of the country. But such as it exists, established in all the different gradations of the political scale—in the National Guard, in the councils of the communes and the departments, and lastly, in the electoral body properly so called, it presents one of the most extensive systems of institutions, which a free people has ever possessed.

In the first place, the National Guard is an armed democracy, endowed with all its strength, and with habits of discipline which invest that strength with all their authority. By the

\* To form of ordinary men.

† In the not less the same a legio

letter of the law, all Frenchmen from twenty to sixty years of age are liable to serve in the National Guard of the place to which they belong. The exceptions to the law consist of the members of the two chambers, the ministers of all the religious sects recognised by the state, all those who are in active military or naval service, the magistrates who have the right of requiring the intervention of the public force, the agents of the executive who direct its application, the subaltern agents of the courts of justice and of the police, and lastly, those individuals who have been dishonoured by the sentence of a tribunal. The most turbulent portion of this democracy, and that which appears to afford fewer securities, consisting of journeymen, workmen, and servants, is neither armed nor organised. They are comprised under the head of the reserve, and their services can only be required under extraordinary circumstances, such as civil war or foreign invasion. All the citizens upon whom the personal imposts are levied, and their children, as soon as they have attained the age of twenty, are inscribed on the roll of *ordinary service*. They are furnished with arms by the state, and incorporated into companies, of which battalions\* are formed, and legions composed in the larger towns†. The protection of the charter is confided to the patriotism of this civil army.

As the National Guard is an assembly of armed citizens, it naturally elects its own officers. The system established by the law of the 22nd of March, 1831, combines the two methods of direct and indirect election. Thus the National Guards of each company assemble to choose immediately all their officers from the captain down to the corporals. To appoint the *chef de bataillon*, each company designates a certain number of subalterns and privates, who vote conjointly with the officers of the corps. Lastly, the *chefs de légion* and the lieutenant-colonels are pricked by the King upon a list of ten candidates selected, by a relative majority, in an assembly of the officers

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\* To form a battalion, the number of National Guards inscribed upon the roll of ordinary service in the commune, or in the canton, must exceed five hundred men.

† In the rural districts, or the towns in which the National Guard consists of not less than two battalions of five hundred men each, it may be consolidated into a legion by a royal ordinance.

and subalterns of the legion. Thus the inferior grades are conferred by direct election; the superior are bestowed by an indirect election and by the royal pleasure, acting conjointly.

In point of fact, this law has only regulated and sanctioned the organisation which was adopted upon an emergency in 1830, by the spontaneous impulse of the citizens. The effective force of the National Guards, who had taken up arms before the 22nd of March, 1831, amounted to 3,572,924 men. The census of 1832, which was made under the provisions of the Act, established that 1,947,846 men were enrolled on the list of *reserve*, and that 3,781,206 were inscribed on the books of *ordinary service*, making a grand total of 5,729,052 men. The organisation of the National Guard was suspended at that time in several communes of the departments of the West\*; and the number of citizens inscribed at the present moment on the rolls, may be estimated at six millions.

Every three years, this immense population, consisting of nearly four millions of National Guards in ordinary service, and incorporated in companies, battalions, and legions, assemble, in the thirty-seven thousand communes of France, to proceed to the nomination of its officers. The whole community is in motion; and as there is a momentary crisis during which the supreme authority is reduced to the position of a candidate, and the ostensible power is humbled before the popular choice, some apprehensions might be entertained as to the maintenance of discipline. But this juncture has already been twice experienced, and each time it has completely turned to the advantage of the institution. This perfect order, with which a nation chooses the leaders of its armed force throughout all the extent of its territory, is unquestionably one of the most remarkable applications of the representative system. In order to form an estimate of these electoral proceedings, it is necessary to suppose as many assemblies of voters as there are administrative divisions and subdivisions in the country. The organisation of the urban

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\* The organisation of the National Guard was originally suspended in 2490 communes, belonging to seventeen departments; three hundred and ninety of these were authorised to accede to the institution on the 25th November, 1832.

communes alone, consisted, in 1892, of 86 legions, comprising 229 battalions or squadrons, and 587 battalions or squadrons, not incorporated into legions: that of the rural communes, consisted of 12,144 isolated companies, and 4,025 sub-divisions of companies: total, 1,871,073 men. The cantonal organisations, or associations of rural communes, amounted at the same period, to 54 legions, comprising 148 battalions or squadrons, and 2,818 isolated battalions: total, 1,823,958 men. If we calculate, on an average, that there are twenty officers or sub-officers for every hundred men, the result is, that seven hundred thousand citizens are invested with military command by these elections. Seven hundred thousand elected officers presuppose the existence of at least two millions of eligible individuals. But the ability necessary to command is very far from being so widely disseminated in France. The democracy has been in possession of power for too short a time to have sufficiently applied its resources to the advancement of its own education.

"La loi sur la Garde Nationale," says the *Compte rendu*, "comprend de si nombreux cadres, de si vastes organisations, qu'il a fallu reconnaître souvent que les capacités pour les grades manquaient en quelques lieux aux nécessités légales. Une institution militaire qui s'étend à plusieurs millions de citoyens, semble supposer des ressources et une instruction extrêmement développées. Quels que soient les progrès dont le pays peut s'enorgueillir sous ce rapport, il compte des localités où les lumières n'ont pu encore pénétrer; et s'il est vrai de dire que la bonne volonté n'a manqué nulle part, il n'est pas moins constant qu'il a fallu et qu'il faut encore retarder quelques organisations à défaut de sujets propres à les compléter."

It cannot be disputed that the law has, in this instance, outstepped the social condition of France in several respects. But the National Guard is, perhaps, the institution in which there are the fewest disadvantages, and the greatest number of advantages, in thus anticipating the moral condition of the people by legislation. In the first place, the number of superior grades is not so great as to render the choice compulsory; an abundant supply of aspirants is, on the contrary, to be found in every part. In the second place, the instruction necessary to the inferior rank of officers is not so extensive as to be beyond the reach of average capacities. In less than ten years, two-thirds of the men capable of bearing arms will have learned to read, write, and cipher. In France, an aptitude to military command, and a taste for arms, are nearly universal;—and so warlike a race, furnishing so many and

such excellent soldiers, will not long be destitute of capable and experienced leaders.

The institution of the National Guard, by combining all classes and all interests, has not only multiplied the means of defending the country and the guarantees of public security, but it must necessarily become a powerful instrument of civilisation in the hands of a provident administration. It tends to continue, by the force of habit, that work of fusion which was more roughly begun by the imperial conscription. It draws the citizens nearer to their communes; and the communes nearer to the canton.

"Au premier rang des bienfaits de la loi," continues the same *Compte rendu*, "on doit compter surtout celui de former et de consolider entre des communes souvent trop fractionnées, ces bonnes relations qui se perpétuent si heureusement parmi les habitants. Des antipathies traditionnelles, des mésintelligences également préjudiciables aux localités qui les subissent, ont déjà disparu dans les réunions militaires résultant des aggrégations cantonnales."

Although France is the most homogeneous collection of men and of territory on the continent of Europe, the elective franchise vested, in the same proportion, in the varieties of population and of manners, which that country contains, must produce results no less different from each other than the several localities. The discipline of these armed multitudes, whose obedience is the result of reflection, must necessarily be influenced by their opinions. In the east of France, where the population is more exposed to invasion, and where both young and old have contracted military habits from the danger of their position, a ferment of revolutionary tradition and a veneration for the memory of Napoleon still remain, which will always lead those warlike departments to offer a certain opposition to a pacific government. In these districts, the elections have placed stirring men at the head of the National Guard, who are ill-disposed to support the government, when it adopts any measures of a repressive policy. The large towns in which the National Guard has been dissolved, are almost all of them on the eastern frontier: viz., Beaucaire, Grenoble, Lyons, Châlons-sur Saone, and Colmar\*.

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\* In the eighteen months which followed the promulgation of the law, forty ordinances were published for the purpose of disbanding the National Guard in different parts: but eleven of them were directed, not against whole corps, but simply against one or more companies of a commune.

In the South, where party spirit is heightened by the climate, by religious strife, and by the reminiscence of civil war, opinions cannot take a middle course. Compared with the legitimists on the one hand and the republicans on the other, the number of the supporters of the existing government is very limited. The distribution of opinions, and, consequently, of social strength, in the south of France, is as follows. All the large landed proprietors and the mass of the Catholic lower orders, in the rural districts, are principally attached to the fallen dynasty; the merchants, the manufacturers, and the middling land-owners, support the present monarchy; all the small land-owners, who form the nucleus of the National Guard, and with them the workmen in the cities, affect opinions which are more or less republican. It is not astonishing, therefore, that the elections of the National Guard, in these departments, should have returned citizens but ill qualified to fill their post, and have favoured opinions hostile to the present monarchy. Here again we find National Guards suspended or disbanded, as, for instance, those of Perpignan, Carcassonne, Castres, and Marseilles.

The West was, for several years, the theatre of civil war, or rather of Chouannerie. It was, therefore, necessary to circumscribe the organisation of the National Guard in the towns, and to suspend it altogether in the rural districts, where the authority of the new government had been imposed without being accepted. In the centre of the country and in the manufacturing districts of the North, the system of the cabinet of the 13 *Mars* reckoned its most numerous and devoted partisans; but the spirit of the National Guard is still at variance with that of the electoral colleges. There, indeed, the discipline is better, and the habits more peaceful, than in the departments of the East and the South; but the result of the democratic suffrage is nearly the same. The metropolis is the only exception.

The National Guard of Paris, which is, in all respects, constituted like the National Guards of the departments, has risen, as much by its character as by its position, to the rank of a fourth power in the state. This municipal army consists of eighty thousand men, of every description of troops, perfectly drilled and equipped, performing their manœuvres like

regular troops of the line, and inured to danger by the insurrections they have quelled. This National Guard is the only one in France, whose zeal has not relaxed during a period of nearly six years; and which, often as it has been placed between its duty and peril, has never hesitated to lend its strenuous assistance to the legal authority\*. The Chamber of Deputies founded the present government: the National Guard of Paris has defended and maintained it. The parties, which it was called upon to put down, have attempted to turn it into ridicule; and the brave citizens, who, without inquiring from what quarter the attack proceeded, tore themselves from their families, their habits, and their interests, to rally round the standard of the charter, have received the nickname of *Janissaires-épiciers*.

Undoubtedly, the influence of the Parisian Guard over the government is exceedingly great—an influence which it has the power of abusing. But it displays the most laudable reserve in all its relations with the governing powers; and they, on the other hand, have feared it so long, that they study to anticipate its opinions. Its known, though tacit opposition, has paralysed more than one court intrigue. Thus, for instance, it brought about the retraction of the declaration of martial law (*état de siège*), and the abandonment of the oppressive project of the *forts détachés*. The discretion of the Parisian Guard is, indeed, the only check to its power: for the National Guard of Paris is to the government, what the government is to the capital, and what the capital is to the rest of France. If this body were to declare its hostility to the administration, the administration must fall in an hour; for the experiment of the Bourbons has shown that the government, which should venture to dissolve it, would assuredly prepare another revolution. Without this immovable barrier, the executive power, which requires to be strong in France, would be tempted to resort to oppressive measures. The Parisian Guard is the only collection of citizens, which

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\* In some towns the service of the National Guard has fallen into such desuetude, either from the lukewarmness of the citizens or from the intentional inertness of the authorities, that the trumpets or the drums of each company meet unattended at the place of muster.

is sufficiently imposing to resist a power having the army at its disposal.

Whilst the democracy of the other great towns, such as Lyons, Grenoble, Marseilles, and Montpellier, is republican, it may be asked, why this Parisian Guard, which is composed of all the tax-payers, of all the professions, and of all classes of influence, from that of retail tradesmen and small manufacturers up to that of the artisans of language and the masters of thought, should have declared itself, in a body, not only in favour of the government, but even in favour of the *Juste Milieu* system. How does it happen, that the result of the elections has been the exclusion of the enemies of the monarchy, and the admission of a majority of candidates holding the opinions of the ministry, with a minority adhering to the moderate opposition? The reason is, that the democracy of Paris, if we consider the diffusion of knowledge amongst it, and the magnitude of its interests, forms a sort of aristocracy with regard to the rest of France. The population of the capital, which has fewer steps to climb upon the social ladder, places the notions of public order in the first rank, and places those of liberty in subordination to them. That great city, which is looked upon as an arsenal of revolutions, is more properly a centre of resistance. Placed in the van of civilisation, and endowed with a quick penetration, it is ready to offer a steady resistance to all oppression, whether that oppression takes the form of despotism, or affects the violence of anarchy. To this it may be added, that as the National Guard of Paris is principally composed of tradesmen, head workmen, and shop-keepers, it completely answers the end to which it is destined. It comprises a sufficient number of men, fitted both to speak and act, who are ready to give the impulse which may sometimes be needed; whilst it is composed of such a mass of private interests and even of egotism, that it will allow itself to be led away by no power but that of reason. The difficulty of exciting it is in exact proportion to its immense responsibility.

After the National Guard, the strongest position of democracy in France is that which is derived from the system of municipal government. These two institutions bear the same date; they both belong to a period at which the government was still swayed by the revolutionary impulse of July, in



the midst of the incipient reaction of the 13th of March. The number of electors created by the municipal law\* is almost equal to that of the National Guards in active service; for it amounts, according to the report addressed to the King, to 2,872,089 citizens. If the multitude of suffrages be alone considered, it may be imagined that the sole defect of the present communal system in France lies in the excessive preponderance which the ignorant masses must assume over the smaller number of individuals, who are favoured by the advantages of fortune and education. But if the structure of the law be more closely examined it becomes evident, that if, in certain cases, the electoral franchise is reduced too low, in other cases, and, as it were, upon the principle of compensation, that right is restricted within too narrow limits. So that the commune sometimes represents a rude democracy, and at other times a local aristocracy, whose interests are not always identical with those of the community at large.

The commune is the image of the state, which has its own interests to regulate and its own order to maintain. Like the larger body, it has a deliberative assembly—the municipal council, which enacts the by-laws, and votes the municipal budget; and an executive, composed of the mayor and his associates, who dispose of the public force and direct the expenditure†. The mayor, who is the municipal chief magistrate, is at once the representative of the commune and the delegate of the state. He forms the last link in that chain of the administration which descends from the minister to the préfet, from the préfet to the sous-préfet, and from the sous-préfet to the local authorities. The mayors are named by the crown, immediately, in such communes as contain more than three thousand inhabitants; and through the medium of the prefects, in all below that amount. But these officers must be chosen from amongst the members of the municipal council, which is appointed by the body of electors. Thus, the source of all power in the commune is popular election.

The basis of the communal elective system, besides being

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\* Promulgated on the 21st March, 1831: the law of the National Guard is of the 22nd March, same year.

† The municipal attributions are also regulated by the "*Loi de l'An VIII.*" The Bill, which is intended to conciliate that enactment with the new system, has been presented to the Chamber of Deputies this year, for the third time.

much more open than the political franchise, differs very sensibly from the latter in respect to the very nature of the qualifications. The age required of the parliamentary electors is twenty-five; that of the communal electors only twenty-one. An annual payment of two hundred francs in direct taxes can alone confer the right of electing the deputies; but in the municipalities the *capacity* of the elector creates a distinct claim, besides the pecuniary qualification and the numerical proportion of the population.

These three elements have been admitted to the exercise of the electoral franchise in the following proportions:—The fundamental principle of the law is, that the citizens *most heavily rated* (*les plus imposés*) on the communal books are entitled to vote. In the application of this principle, the number of the largest rate payers, who are thus qualified to vote, is to be equal to a tenth of the population in all communes of a thousand inhabitants or less. This number is proportionally lessened in the more populous communes: thus it consists of five electors for every hundred inhabitants, in towns containing a population above one and below five thousand; four electors for every hundred on populations of five to fifteen thousand; and above fifteen thousand there are only three electors for each hundred inhabitants.

To these rate-paying electors are united those classes of citizens, whose services or whose professions, offer a ground for presuming of their capacity. The officers of the National Guard, military and naval officers on half-pay, judicial functionaries, members of learned societies, medical men, attorneys, notaries, barristers, and retired employés, are comprised under this head. The law contains a further clause in favour of farmers and métayers, who are placed in the list of large rate payers for a third of the land-tax levied on what they occupy. Lastly, as a final concession to the individuality of the communes, the number of electors can never be below thirty, although there are many communes containing less than three hundred inhabitants\*.

It is easy to perceive at the first glance, that this law is

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\* Except there be not a sufficient number of citizens paying a personal contribution; but such is the division of property in France, that this is never the case.

conceived in a spirit of mistrust of the urban populations, whilst it treats the rural populations with an imprudent liberality. This result is still more clearly elicited by the figures, which are furnished by M. Thiers' report on the municipal elections of 1834.

The total number of electors amounted, as we have already observed, to 2,872,089; of whom 2,791,191 were rate-paying electors (*électeurs censitaires*), and 80,898 were *électeurs adjoints*. Thus the class of electors who claim a vote from their capacity, and not from the payment of rate, is only one-thirty-third of the municipal electoral body, though it furnishes one-tenth of the departmental electors and of the jury lists in France. The average proportion of the communal electors for the whole kingdom is one-eleventh of the population, whilst it is only one-twenty-second of the population of communes containing more than 10,000 inhabitants. But to form an idea of the unfairness of the suffrage as regulated by the law, it is necessary to take the two extremes. There are 15,967 communes, containing 500 souls or less, and in all a population of 4,907,781 inhabitants, on an average of 307 to each commune: these communes contain 600,000 electors, which gives one elector for every *eight* inhabitants, or on an average thirty-five electors for each commune. The communes from 500 to 1000 souls, being 11,329 in number, and containing in all 7,989,153 inhabitants, have 812,407 electors, or *one* elector for every *ten* inhabitants. The communes from 10,000 to 20,000 souls, being sixty-six in number, and containing in all 927,121 inhabitants, have only 47,417 municipal electors, or *one* elector for every *nineteen* inhabitants. The proportion is only one to *twenty-two* in towns containing from 20,000 to 30,000 inhabitants; and one to *twenty-seven* in towns of from 50,000 to 150,000 souls. Paris, in fine, which is subjected to a special enactment, reckons only one elector to *forty-four* inhabitants. Thus the most wretched hamlet of France contains, in proportion, three times as many electors as the large cities, and five times as many as the capital. The natural progression is inverted by the law. The right of suffrage extends

\* This number comprises 7500 communes, which respectively contain more than 300 souls.

in an inverse ratio to the wealth and intelligence of the country. The poorest departments, and in those departments the poorest and least enlightened communes, contain the greatest number of electors.

If the pecuniary qualification has an exclusive predominance in the political electoral system, the municipal law, on the other hand, does not attach sufficient importance to this element. Is it not absurd, that a rate of fifteen centimes should confer the right of suffrage in a commune of the department of the Var, whilst it is necessary to contribute 175 francs 28 centimes at Rouen, and 200 francs at Paris, in order to be admitted to the municipal council? In nineteen departments of France the communal rate descends below one franc, and in twelve of them it does not amount even to half that sum.

It is the principle of the municipal law that the largest rate-payers of each commune should vote; but the practical effect of the Act is, that in the rural communes *all or nearly all* the rate-payers vote, whilst in the towns, the largest rate-payers, or rather a portion of the largest rate-payers, alone enjoy that privilege. The municipal electoral system admits or excludes the lowest classes, and the lower grades of the middle class, according to the localities: the workman in the country enjoys civic rights, the workman in the towns is excluded alike from political and civic privileges. The unfairness of this arrangement will appear the more striking, if we consider that the burden of the local imposts, distributed in the rural districts in proportion to the landed property, is regulated according to the population in the towns. If money be wanted in the country to found a school, to repair the steeple or the parsonage, or to maintain a road, it is raised in the village by "*centimes additionnels*," which are appended to the direct taxes, and defrayed by each tax-payer, in exact proportion to his resources. But the towns are paved, lighted, and watched by means of funds derived from the octroi on provisions, from the tax levied on the markets, and from other dues, which are mainly defrayed by the working classes and the small tradesmen. In Paris the burden, which the octroi imposes on the household of a working man, cannot be estimated at less than 80 to 100 francs, and these classes are neither heard nor

represented in the council of a city, which derives its chief income from *their* necessities of life!

If distributive justice alone had been consulted, the number of municipal electors ought to have been more considerable in the towns than in the rural districts. The contrary provisions of the law may be attributed to the fear entertained by the legislature of the democratic spirit in great cities; the threatening recollection of the Commune de Paris, still influenced its decisions; whilst a nearly universal suffrage was extended to the rural communes, in the belief that it would be easy to maintain an ignorant population, destitute of political passions, in due dependence on the large and middling landed interests.

The municipal law bears therefore distinct marks of a two-fold influence. It was passed at a period of democratic excitement, but it was drawn up with the unavowed purpose of restricting the electoral suffrage, wherever a more extended system would have elicited the co-operation of a lively and enlightened democracy. As is too often the case in France, it was not the interest of the localities, nor that of the state, which was taken into account, but rather that of the opinions then held by the majority. The cities and the rural districts were forcibly coupled together, and reduced to the standard of the same law, however different they might be in their civilisation and importance.

There is no observation respecting France more correct than that of the unequal civilisation of the urban and the rural populations. The towns began the Revolution, because they were ambitious of political rights: the rural districts, because they hated tithes and feudal privileges. The latter are radically revolutionary, and look with envy upon all those superior advantages of fortune, rank, and education, which stand in the way of their thirst for equality; the former place freedom in the foremost rank, are actuated by public spirit, and are eager in the exercise of political rights, in the conduct of affairs, and in the advance of opinions. Notwithstanding the uniformity of the present system, this difference is exceedingly conspicuous in the municipal elections of 1831 and 1834\*. Those elections were characterised, in the towns, by a principle of opposition to the

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\* The municipal councils are renewed, by halves, every three years.

former administrations and to the system of government; in the rural districts, by a vehement reaction of the small land-owners against the large ones. M. Thiers acknowledged these facts, though he extenuates them: "un symptôme," he says, "remarqué presque universellement est l'affaiblissement des dispositions jalouses, qui, en 1831, avaient éloigné des conseils les citoyens jouissant des avantages de la fortune ou de l'éducation. Sous ce point de vue la composition des conseils municipaux s'est améliorée." and again, "l'influence politique a été nulle dans les campagnes; mais là les rivalités locales se sont exercées avec une action assez étendue."

M. Thiers affirms that even in the towns political opinions have rarely determined the choice of the electors. But the dissolution of several municipal councils by that minister, at least tends to throw a shadow of suspicion over his assertion. A puerile violence has been employed towards more than one of these assemblies. Thus the municipal council of Thorigny, in the department of the Manche, has been suspended for having offered to M. Odillon Barrot a reception suitable to his character and reputation.

The purpose of the law, which institutes a municipal council in every commune, is at once impracticable and absurd. Instead of organising rural townships, and taking the canton or district as the standard of unity, the most insignificant villages are destined to have their deliberative assembly, and to govern themselves on the plan of the largest cities. But they are commonly destitute of the elements of an administration, and they have neither the adequate ability or indeed the same important interests to discuss. The law declares that every hamlet containing 500 inhabitants, or a smaller number, is to appoint ten municipal councillors. But how is this assembly of men to be found, capable of understanding and applying the laws, when villages exist in which neither the mayor nor his associate can read or even write their names? Communes might be named which have not ten francs annual revenue; and yet these bodies are to administer their affairs on the same principle as the city of Paris, which has a revenue of 50,000,000 of francs, a sum exceeding in amount the revenue of all the rural communes put together.

—It is easy to illustrate this contrast by facts. There are in

France 1098 communes, with more than 3000 inhabitants, which elect, every three years, a sum total of 13,000 municipal councillors. These towns contain a population of 7,000,000 souls, being little less than a quarter of the entire population of the country. It is no exaggeration to assert, that these large communes are so many points, beyond which knowledge is very little diffused; and it may be imagined that a choice is not difficult, where there are almost as many eligible persons as there are electors. The 36,000 communes, with less than 3000 inhabitants, appoint a sum total of 207,000 councillors at each triennial re-election, which supposes twice that amount of members, and in the number 72,000 mayors and adjoints. If it is remembered that commerce, trade, manufacture, and the learned professions, are almost entirely centred in the towns, it will be evident that the law demands too much of the rural districts, when it summonses them to furnish the necessary representatives to 36,000 assemblies. The spirit of the deliberations of these bodies is sufficiently obvious. The last report of M. Guizot on primary instruction stated, that 13,000 communes had refused to vote funds for the establishment of parish schools, either because they had them not to grant, or that they would not grant them. A Cambray newspaper, not long ago, mentioned, that several communes in the rich, populous, and enlightened department of the Nord had refused to vote funds for the improvement of the by-roads, assigning for a reason that their forefathers had made shift without either by-roads or high-roads.

The following inedited document will serve to show what interest the smaller communes of France may have in controlling the expenditure of their revenues:—

There are in France—

3528 Communes, having less than			100 francs ordinary revenue.		
6196	"	between 100 and 200	"	"	"
10,091	"	" 200 — 500	"	"	"
16,742	"	" 500 — 10,000	"	"	"
386	"	" 10,000 — 30,000	"	"	"
173	"	" 30,000 — 100,000	"	"	"
87	"	more than 100,000	"	"	"

Of what advantage is this apparatus of electoral rights, elections, assemblies, and deliberations in the 10,000 communes, whose incomes are inadequate to remunerate a Garde Cham-

pêtre, or to defray the charge of a subscription to the *Bulletin des lois*? Even in the majority of the other communes, is there not an enormous disproportion between the object to be attained and the means used? A lever is put into play to raise a straw; and the science of Archimedes is employed to remove a bird-cage.

Paris stands in the same relation to the towns of the departments, as the towns do to the rural districts; the difference between them in wealth and in intelligence is the same. In the discussion of the law on the privileges of municipal bodies, (6th May, 1833), M. Thiers quoted several instances of the ignorant despotism to which the best intentions lead in certain localities.

“ Il est dans telle commune des réglemens qui interdisent de vendre du poisson autre part que dans les marchés obligés; il en est une où la faculté de vendre et d'acheter appartenait exclusivement à vingt-deux familles, et l'administration a dû lutter longtemps avant de parvenir à réformer cet absurde privilège. Dans une des premières villes de France on interdit à tout individu d'avoir des volailles chez lui le dimanche; dans une autre on confisqué tout ce qui est vendu hors du marché. Il y a une ville qui a la tyrannie d'exiger que tous ceux qui vendent la viande soient logés, eux et leurs familles, dans l'abattoir. Sous la législation actuelle, avec notre unité administrative, ces derniers vestiges de la féodalité apparaissent encore; avec combien de puissance ils renaîtraient de ce système de morcellement!”

But if these antiquated follies furnish a fair commentary on the city prejudices and corporation abuses, which all countries and all bodies of men, removed from the metropolitan circulation of ideas, will ordinarily retain, we cannot but be struck with the unfairness of the use made of these facts as arguments against that municipal independence, which in England is regarded as the first of municipal rights. The truth is that the “ *Loi de l'an VIII.*,” which still regulates the attributions of the communes, has placed them in entire dependence upon the central government. The commune can neither regulate its budget, nor undertake loans, sales, law suits, or any kind of business, without the concurrence of the state. If this strict and absolute centralisation were to be perpetual, it would annul the consequences of popular election. Not that the emancipation of the communes ought to dissolve the ties which connect them with the state, but there should be placed over them, and within their reach, an independent power, sharing their tutelage with the admini-



stration. Such appears to be the tendency of the present measures. Already the law on public instruction has established district committees, which will encourage the efforts of the schoolmaster in the communes, by giving him the support of a uniform system. In the law on by-roads a clause has just been introduced empowering the Conseils Généraux of the Department to designate the roads, and the communes which are to keep them in repair. It is probable that ere long cantonal assemblies will be formed of delegates from the municipal councils. Thus assemblies would be instituted as courts of appeal, superior to the councils of the commune; and if this pregnant idea be followed up, it may lead to the completion of the series of legislative powers.

We have hitherto seen the democratic element in possession of the outworks of the state, we now arrive at the loftier positions of the elective system, where it seems to have been the intention of the legislature to constitute a species of aristocracy, which is represented in the administration of the country by the law regulating the powers of the departments, and in the political constitution by the electoral law.

The law, which instituted the General Councils of the departments, does not bear the same date as the other branches of the series of administrative powers; nor did it originate in the same power, which laid the foundations of the new government after the Revolution of July. The law of the National Guard, the municipal law, the electoral law, and the law on the peerage, sprang from the Chamber of Deputies; the Chamber of Peers, condemned to ratify all the conquests of the democratic element by a passive vote, reserved however to itself the formation of the system of the *conseils généraux*, in its own likeness and its own interests.

In the bill presented by the government to the Chamber of Deputies in 1831, it was proposed to confer the right of voting for the departmental councils; *first*, on the citizens enrolled on the second list of jurymen, by virtue of various qualifications of capacity specified by the law; *secondly*, on the largest rate-payers, to the amount of one two-hundredth of the population, and of one hundredth for the election of district councils; *thirdly*, on the electors who pay two hundred francs in taxes, whenever they should not be included under

the second head. Various amendments were introduced into this bill by the committee of the Chamber, by which the number of departmental electors, who by the former bill would have been about 210,000, was to have been extended to 347,000\*. The bill enacted, that the elections for the *conseils généraux* and the *conseils d'arrondissement*, should all take place in the cantonal assemblies. The committee proposed the institution of district assemblies for the election of the *conseils généraux*, and of cantonal assemblies consisting of a total of 500,000 electors for the district councils; the bill provided that the term of office should not exceed six years, the councils being renewed by halves every three years.

The Chamber of Peers followed and aggravated the system proposed by the government. As the Act now stands, the General Council is composed of as many members as there are cantons in the department; the election takes place in the chief town of the canton; the body of electors consists: *first*, of the electors paying 200 francs in taxes; *secondly*, of the citizens on the second jury list; *thirdly*, of the largest rate-payers in the cantons which contain fewer than fifty electors, until that number be completed. It was calculated by the Chamber of Peers that this system would give 227,000 electors; but we have reason to believe that the real number of electors for the departments is from 235,000 to 240,000.

The same electoral body names the *conseils d'arrondissement*, but the importance of these assemblies is really very slight, as their sole function consists in regulating the assessment by which the taxes are raised.

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\* The system of the bill was as follows :—

1. Large rate-payers, forming one two-hundredth of the population.	162,000
2. Electors, who in thirty-three departments are not included in the proportion of one two-hundredth . . . . .	31,000
3. Jurymen who are not electors . . . . .	17,000
	<hr/>
	210,000
	<hr/>

System proposed by the Amendment—

1. Electors paying 200 francs in taxes . . . . .	168,000
2. Jurymen, non-electors . . . . .	17,000
3. Large rate-payers . . . . .	162,000
	<hr/>
	347,000
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Another aggravation of the system introduced by the Chamber of Peers, consisted in the prolongation of the term of office. As the *conseils généraux* are appointed for nine years, they are in fact Chambers of Peers in miniature; the office lasts as long as the officers; and the election, under this system, is a lease given for life to the returned candidate; moreover, as the council is renewed by thirds, the majority can never be broken up at once, and it baffles the unceasing alterations, which modify the electoral body as well as public opinion. In the Department of the Seine, the roll of electors is wholly replaced every ten years, either by the movement of the population, or by the changes and dissemination of wealth. A tenth of the former electors disappears every year, to make way for an equal portion of new voters. Even if this proportion is not the same for the whole of France, and if the electoral body is not reconstituted in the departments in less than fifteen years, still that time is sufficiently long for a representative no longer to find himself in the presence of his old constituents at the expiration of the term of office. All control is consequently impossible, and his responsibility is a mere legal fiction.

To justify this unprecedented innovation of a term of nine years, M. de Barante, who brought in the bill, declared to the Chamber of Peers, that

“Convaincus qu'il importe surtout de donner au conseil général le caractère d'une institution administrative, nous avons pensé qu'il devait avoir un *esprit de suite* et de tradition; qu'il avait à continuer des affaires commencées, des travaux entrepris, des dépenses entamées; qu'on devait éviter les variations, et la vieille habitude française de ne pas finir ce qu'on a commencé, de se dégoûter des projets adoptés avec le plus d'engouement. Il ne s'agit point ici de représenter l'opinion publique d'un département, l'élection des députés y suffit.”

Unquestionably the Conseil Général of a department is not a Chamber of Deputies; it neither makes laws, nor ministers; but it votes a budget, and pronounces upon certain interests by virtue of the right entrusted to it by the constituency. The electors who control the conduct of the administration by means of their representatives, are interested in exercising the same control over those representatives; and the reality of their control depends on the length of the term of office. An *esprit de suite* is as necessary to the General Councils as to all assemblies; but M. de Barante failed to show, that this

necessity was even more imperious in the budget of a province than in the budget of the nation.

In a country in which the progress of civilisation is as recent as it is in France, and in which knowledge is only commencing to be diffused, it is of importance to raise the electors above the narrowing influence of local prejudice\*. The egotism of these family meetings, as they may be termed, entrenches itself round the village steeple, and they rarely soar to any considerations of general interest. The district assemblies offer the same disadvantages in the election of the *conseils généraux*, as the district electoral colleges present in the nomination of the deputies. They bring all the feelings of the village to the surface—they put the representative of the canton in contact with local passions—and they place the election at the mercy of the great landowners on the one hand, or of a rancorous coalition against the great landowners on the other.

Hopes were entertained that the introduction of voters, whose intellectual capacity was their chief qualification, would have given animation to the body which appoints the departmental councillors. But the subdivision of that body has neutralised the vivifying principle. On political questions, the *conseils généraux* are less advanced, or, at least, less decided than the Chamber of Deputies. The different shades of the opposition are feebly represented. The department of the Seine is, perhaps, the only one in which the majority of the councillors is more decidedly marked than that of the Chamber. In almost every part of the country, the great landowners, holding ministerial, but not legitimist opinions, have dictated the choice of the electors†. Moreover, the 17,000 voters who

\* This local feeling was precisely what the Chamber of Peers desired to encourage. The Report of M. de Barante is unequivocal on this head:—

“ Il nous a semblé que de cette sorte l'esprit de localité, les intérêts communaux avaient plus de chances pour déterminer les suffrages, que les réunions d'électeurs étant moins nombreuses, briseraient les combinaisons de majorité et de minorité, les divisions d'opinion qui se seraient formées pour les élections politiques; la domination des villes ne priverait pas la population rurale de représentans et de défenseurs.”

† We had occasion to state in a recent number, that the landholders holding legitimist opinions, are in actual possession of half the soil of France. It is perfectly true that one half of the *great* landowners are legitimists; but their number is imperceptible amongst the electors who pay from 500 to 200 francs taxes, except in certain cantons in the South and in the West.

derived their qualification from their intellectual position, are to the rate-paying electors, in a proportion only of one to twelve; and this proportion is too small to overturn or modify the bias of opinions.

To supply the deficiency of a political impulse have serviceable administrative instruments been produced by this electoral system? If the *Conseils Généraux* are to be judged from the official analysis of their votes, it is difficult to form a high opinion of the institution. Nothing is said of the funds they have voted, or the application of those funds. The documents published by the Minister of the Interior simply state the wishes and resolutions, which have been expressed by the council. These wishes embrace a great variety of questions; but very few of the assemblies wish to the same end. Here they remonstrate on the increasing expenses of foundling hospitals; there they solicit the revival of the commercial tariff, or the reform of the electoral code; these demand that the army should be employed on public works; those insist upon laws to determine the charges of the communal and departmental councils; whilst many of them urge the reduction of high salaries, the reform of the prisons, and the amelioration of the means of communication. The only point, on which all these councils agree, is, that each solicits for its own department a larger share in the *common fund*\*, for the purpose of

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\* The departmental expenses stand in the budget of the State to an amount of about fifty millions. They are divided into *dépenses fixes*, *dépenses variables*, *dépenses facultatives*, and *dépenses extraordinaires*.

The *dépenses fixes*, which are common to several departments, are supplied by a grant of 6.4 centimes on every franc of the principal of the land-tax (*contribution foncière*). This sum amounts to 11,645,000 fr., which are applied by the Treasury to the payment of public officers, the expenses of the *Maisons centrales*, &c., without consulting the *Conseils Généraux*.

The *dépenses variables* are supplied by a grant of 12.6 centimes, in addition to the principal of the land-tax. Of these 12.6 centimes, the *Conseil Général* of each department may apply 7.6, in proportion to its share of taxation, to the special expenses of the department, such as the roads, foundling hospitals, &c. The remaining 5 centimes are thrown into a *common central fund*, which the government distributes to the departments in proportion to their wants. The 12.6 centimes produce 23 millions of francs, of which 9 millions go to the central fund.

For the *dépenses facultatives*, the *Conseil Général* of each department is empowered to vote 5 additional centimes to cover the insufficiency of the resources which defray the exigencies of the public. This optional impost is the only one, which really has a special character, and a local object, since it is employed by the voluntary and direct vote of the *Conseils Généraux*.

completing its cadastral survey, of repairing its roads, or of improving the courses of its rivers. None are willing to contribute more than their share of the imposts levied, but all are eager to obtain a larger slice of the bounty of the Treasury, at the expense of the community.

As the *Conseils Généraux* gain experience, their wishes occupy a smaller space in their deliberations. In 1835 they took their business into their own hands as much as they could, without appealing either to the chambers or the minister. They begin to display traces of that English feeling, which makes the corporate bodies practically alive to the interests they have at stake. During the restoration the funds of the departments were absorbed in sumptuous but superfluous edifices. Seminaries for the clergy, courts of justice, and hotels for the prefects were erected; and capital was employed in the most unproductive manner. At the present moment this profitless mania is confined to a few of the least enlightened departments, and the majority of the councils have expended their *centimes variables*, and their *centimes facultatifs* in grants to the roads, to the cadastral survey, and to the foundation of primary schools. As much can hardly be said in favour of the notions of political economy, which have hitherto prevailed in these assemblies. To supply the expenditure occasioned by great public works, an increase of taxes has generally been preferred to a loan, although the latter expedient offers the advantage of employing a foreign capital in improving the soil. Too much has been said of the suffering condition of a few great towns, which should be attributed not to the loans they have raised, but to the absurd manner in which those loans have been dissipated.

The chief characteristic of the *Conseils Généraux* is, as we have seen, considerable administrative prudence, with a vast solicitude for the improvement of their physical interests.

Lastly, besides the expenses which are authorised by the budget, and for which the impost of the "centimes additionels" is levied, when the departments determine to levy *extraordinary* supplies, and when the *Conseils Généraux* have voted those supplies, they must have recourse to a special authorisation of the Chambers, which is given in the form of a law since 1830. The departments have made use of this privilege to accelerate and to stimulate the completion of means of communication.

These assemblies will increase the prosperity of France: they will do but little for her greatness. Nothing can exceed the indifference with which they treat letters and the arts. The councils live, as the parvenus, who labour to amass future resources without caring to build splendid houses, or to adorn them with statues, with pictures, and costly decorations. We quote the following from a hundred similar instances. In one of the southern departments, the president of the council, who was a man of science equally respected by all parties, demanded a vote of 3000 francs to augment the public library of the chief town. His proposal was ill received. "Of what use is this to us?" said the representatives of the more distant cantons, who come to the town but once or twice a year. After a long discussion the council voted the money; but on the express condition, that it should be regarded as a mark of deference to the president, and not as a precedent for the future.

Wherever an elective assembly exists, a newspaper is at once called into being; and the public press and public discussion are two necessary results of the same principle. The law which instituted *Conseils Généraux* in all the departments had forbidden the publicity of their sittings. But the councils elude this prohibition by publishing their own proceedings. This publicity is rapidly passing into the habits, as it has already taken root in the interests, of the French. How is it possible, indeed, to stop the intercourse which takes place between the electors and the elected, when the former have to ask, and the latter to give, an account of their functions? Publicity manifestly is the essence of deliberative assemblies, which are responsible bodies. In this instance, the councils have stood firm in defence of the principle; and they have founded the provincial press, which was before destitute of any tone or character of its own.

We are now arrived at the culminating point of the elective system, and at that question which divides the soundest thinkers of France; namely, if the existing electoral law is in conformity with the condition of the country? Mr. Bulwer, struck by the contrast which exists between so small a number of electors and so vast a population, decides the

question in the negative. M. Jollivet takes up his position on the quality of the French electors, which appears to him to afford a surer guarantee than their quantity. He boldly assumes that 184,000 electors are so many independent votes; and he insinuates, with an assurance which strikes us as being any thing but patriotic, that the independence of the electoral suffrage is limited to those tax payers, whose contributions amount to 200 francs per annum. Let us in our turn proceed to examine this question.

The system of direct election was introduced into France by the charter of 1814; from 1789 to 1814, a system of indirect election had obtained in the country. The *citoyens actifs*\* (as they were termed) met in primary assemblies to designate the electors, by whom the deputies were afterwards named. The ideal perfection of this system was realized in the constitutions of the consulate and the empire, which enacted that the electors should be appointed for life, and that they should only name *candidates* for the representation of the country.

The introduction of the system of direct election was an advance†; and it conferred upon the country the substance of that representative government, which had only been embraced in shadow for five-and-twenty years. Unfortunately the charter laid down a limit at the same time that it acknow-

\* The *citoyens actifs* were those who paid a direct tax of three days' labour.

† "L'élection directe établit entre les électeurs et les députés des rapports immédiats qui donnent aux premiers plus de confiance dans leurs mandataires, et aux seconds plus d'autorité dans l'exercice de leurs fonctions. Aucun électeur n'a le droit de se plaindre d'une élection à laquelle ils ont tous concouru par leurs suffrages; aucun éligible n'a le droit de prétendre que, si tous les électeurs avaient été appelés, il aurait été élu. Vainement dira-t-on, qu'en faisant choisir par la totalité des électeurs et, dans leur sein, un certain nombre d'électeurs d'élite, qui nommeraient ensuite les députés, on aurait également l'expression de l'opinion et du vœu de tous les électeurs. La confiance et l'approbation ne s'accordent point d'une manière si absolue. Le député élu de la sorte n'aurait obtenu au fait que les suffrages des électeurs qui auraient concouru directement à la nomination; il ne serait pas le délégué spécial des électeurs qui n'auraient pas été appelés à lui donner leurs suffrages. L'élection *directe* peut seule faire naître entre les électeurs et les députés cette sorte de responsabilité morale qui garantit la bonté des choix, et dont l'influence va croissant à mesure que ces deux classes d'hommes se connaissent et se lient davantage."—(*Manifeste du Ministère*, Moniteur du 30 Novembre, 1816.)



ledged the principle; and the extension of the electoral suffrage could not be obtained without breaking the charter, and effecting a revolution. The fortune of the government of the restoration was staked upon the durability of this combination; but that government was blind to the conditions of its own existence.

The qualification had been fixed at 300 francs, with the view of conferring the franchise on 120,000 electors. But the reductions of taxation which took place in 1818, 1820, and 1821, and the perpetual subdivision of property, very soon lessened that number. In 1830 the number of electors did not exceed 94,000; and M. Béranger demonstrated in his report on the electoral law passed in 1831, that as long as the qualification was retained at 300 francs, 170 of the colleges would be unable to furnish 150 electors.

It is certain that in France wealth does not increase with the same rapidity as it is disseminated; the division of property proceeds more rapidly than its recomposition. Consequently, the electoral law having a fixed qualification for its basis, requires to be revised from time to time, were it not for the purpose of augmenting the number of electors, but simply for that of preventing the tax payers, already registered as voters, from being lost to the class to which they belonged.

In 1826, M. de Villèle produced calculations in the Chamber of Peers, which had been made on the rolls or registers of several departments, and on an average population of 363,560 individuals. As this is the only accurate document which can elucidate the question, we quote from it as it stands:

" Sur cette population moyenne de 363,560 individus, les rôles de 1815 présentaient 149,311 ainsi distribués :

" 116,433 payant moins de 20 fr. d'impôt; 9616 de 20 à 30 fr.; 9243 de 30 à 50 fr.; 7519 de 50 à 100 fr.; 5625 de 100 à 500 fr.; 578 de 500 à 1000 fr.; et 302 à 1000 fr. et au-dessus.

" Voici le résultat que donnent les mêmes rôles en 1826; 161,739 contribuables, dont 133,903 payant moins de 20 fr.; 8985 de 20 à 30 fr.; 7915 de 30 à 50 fr.; 6083 de 50 à 100 fr.; 3649 de 100 à 300 fr.; 580 de 300 à 500 fr.; 411 de 500 à 1000 fr.; et 206 payant 1000 fr. et au-dessus."

Thus, in ten years, the diminution in each class of electors had amounted to one-third of those rated above 1000 francs; to a quarter of those rated above 500 francs; and to a fifth of those rated from 100 to 500 francs. In 1827, there were

only 40,000 electors in the kingdom; who paid as much as 500 francs in taxes; and, as the qualification for the eligibility of deputies was 1000 francs, the whole number of candidates was confined to a class of 15,000 citizens\*. One-sixth of the electoral body was composed of public officers of all ranks. The landed property of the country was divided into ten millions of *cotes*†, and 128,000,000 parcels of land‡; whilst the political rights of the nation were vested in 94,000 electors. The utmost sub-division existed on the one hand; the most absurd concentration on the other. This state of things was such as to render a reform, or a revolution inevitable, it was the revolution which took the lead.

In 1830 the Chamber of Deputies prudently left the conditions of the electoral suffrage out of the charter. The consequence is, that the question has ceased to be a revolutionary controversy, and has become a mere matter for the majority to decide. The qualification was lowered to 200 francs, and this step, which was incontestably a great advance, was at first fully satisfactory to the most ardent partisans of democracy. The circumstances, which attended that change, deserve our notice. When the monarchy of the 7th of August was established, a portion of the legislative majority, biassed by the important services which the electoral body under the restoration had rendered to the cause of freedom, was desirous of preserving it *in statu quo*, with the exception of the privilege

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\* The electors were divided as follows, according to their qualifications, in 1827.

From 300 to 400 fr..	34,594 electors.	From 1000 to 1500 fr..	8634 electors.
„ 400 — 500 ..	17,028 „	„ 1500 — 2000 ..	3313 „
„ 500 — 600 ..	9,997 „	„ 2000 — 2500 ..	1561 „
„ 600 — 700 ..	6379 „	„ 2500 — 3000 ..	832 „
„ 700 — 800 ..	4254 „	„ 3000 — 4000 ..	861 „
„ 800 — 900 ..	3044 „	„ 4000 & more ..	939 „
„ 900 — 1000 ..	2495 „		

† The term *cotes* is applied to the entry of the amount of taxation, at which every landowner is rated. But ten millions of *cotes* do not suppose the existence of ten millions of landowners, because a great number of landowners are entered at the same time in several districts.

‡ This number includes 6,600,000 houses or tenements. These figures are taken from the admirable statistical documents recently published by the Minister of Commerce; and some allowance must be made for the subdivision of property which has taken place between 1827 and 1835.

of the Double Vote\*, which had been appended to it in 1820, in favour of the caste of the largest tax payers. Another division of the Chamber, more struck by the difficulties which this small number of active citizens had met with, and so laboriously surmounted in their resistance to the crown, considered the necessity of the extension of the electoral suffrage in France, as a truth which had been demonstrated by the revolution of July. The former of these two opinions was favoured by the press; the latter by the court. To obtain the lowering of the qualification, M. Lafitte, who was then prime minister, was obliged to declare that he should retire without delay, if the necessary concession was not made to public opinion. His personal popularity was at that time of importance to the King, and a Bill was brought into the Chamber of Deputies some days afterwards by M. de Montalivet.

Property and trade were not the only criteria of the elective capacity which were acknowledged by the principle of that bill. On the contrary, it admitted the claims of intellectual capacity, which was presumed to be sufficiently attested by the exercise of certain gratuitous and elective functions, or of those professions which presuppose a liberal education. It also adopted a relative qualification, including the largest tax-payers, in preference to a fixed qualification. The number of electors would have been doubled by a progressive diminution of the proportion, whilst the qualification of candidates for the Chamber was reduced to 500 francs.

The minister observed, in proposing the introduction into the electoral body of what are termed in France *les capacités*, that is to say, of the individuals who are placed on the second list of jurymen by virtue of their intellectual attainments—"That it must be allowed that no just ground existed for excluding those persons from taking a part in the nomination of the legislative assembly, who were actually entrusted by the Jury Act, with a power of giving a verdict affecting the lives of citizens."

\* The electoral law of 1820 divided the electoral assemblies into *Collèges d'Arrondissement*, and *Collèges de Département*. 258 deputies were chosen by the electors voting together in the *Collèges d'Arrondissement*, and the remaining 722 deputies were chosen by one district college in each department, composed of the largest rate-payers amongst the electors, amounting to one quarter of the entire number.

The Committee of the Chamber to which the bill was referred, did not, however, adopt the qualification which it proposed, including the largest tax-payers, equal in number to 1-200th of the whole population. A fixed qualification of 240 francs was proposed; which was presumed to admit 191,000 electors. The Chamber preferred the fixed qualification to the other system; but it was reduced to 200 francs. It is a remarkable fact, that such was the ignorance, then prevailing, as to the real elements of the discussion, that it was believed by the majority that the qualification of 200 francs would give 230,000 electors. In case the number of electors in an arrondissement does not amount to 150, the law entitles the largest tax-payers below 200 francs to vote. By this clause the qualification has been virtually lowered in the arrondissement of Argeles (Hautes Pyrénées) to 148 francs; in that of Briançon (Hautes Alpes), to 128 francs; and as low as 77 francs in the arrondissements of Santène and Ajaccio in Corsica.

At the present moment, the union of the *capacités* with the 200 franc electors, would be strenuously contested in the two Chambers; but at the time the law was passed it was not intended to exclude them; and that exclusion was, in fact, brought about by a misunderstanding. The opposition had demanded some modification in the proposed list of qualifying professions, in which it perceived, with regret, that certain denominations of public officers had been introduced. The majority took its revenge by rejecting the list altogether, and it adopted on that occasion the brutal but historical rallying cry of "*Enfoncée les capacités!*" The members and correspondents of the Institute, and officers on half-pay, form the only exception; and they are qualified to vote by a contribution of only 100 francs.

This Act was passed on the 19th of April, 1831; and as two general elections have taken place since that time, it may now be judged by its results. The electoral lists of 1834 contained 184,216 electors; and it does not appear that the number of registrations has notably varied in 1835. This number is rather more than 1-200th of the population; but the electors are very unequally distributed in the departments: Thus, the department of the Seine includes 16,000 electors, or 1-12th of

the whole electoral body; whilst that of the Hautes Alpes only contains 386, Corsica 305, the Hautes Pyrénées 404, and the Lozère 588. These differences bear no sort of proportion to the population. The department of the Nord, for instance, contains 989,938 inhabitants, and 6,452 electors, or one elector for 153 inhabitants; whilst the department of the Doubs contains 265,535 inhabitants, and 1,041 electors, or one elector for 255 inhabitants; the department of the Indre contains 245,289 inhabitants, and 1,092 electors, or one elector for 224 inhabitants; and the contiguous department of the Indre et Loire contains 297,016 inhabitants, and 2,128 electors, or one elector for 138 inhabitants. Thus the basis of the existing electoral body, is not the population, but the wealth of the country. The number of deputies, on the contrary, is proportioned to the population, and hence a singular discrepancy arises between the elements of the elective system. A great portion of the electoral body is, in fact, paralysed by the very multitude of the electors. The number of deputies elected is in inverse ratio of the wealth which, nevertheless, confers the right of electing them. Corsica sends two deputies, and the department of the Seine only sends fourteen, although it contains fifty-three times as many electors as the island. Thus the cities, which are apparently favoured by the law, are in fact sacrificed to the rural districts; and wealth and knowledge are made to yield to a numerical superiority of population.

The electors are in general not very jealous of their rights, and either from negligence, or from a fear of being called upon to act on juries, a great number of voters are unwilling to register. At Paris alone this number is estimated at from five to six thousand, or one-third of the electoral body. Under the Restoration it was the administration which contested the claims of the electors to vote; at the present time, the electors abandon their claims, and without the zeal of the administration, which enregisters the electors *ex officio*, the suffrage would be allowed to lapse into the hands of the executive power. In 1824 and in 1827 seventeen-twentieths of the electors took a part in the electoral proceedings. In 1830, when the struggle between the nation and the dynasty was pending, nine-tenths of the electors voted. According to

M. Jollivet, three-fourths of the registered voters came forward at the election of 1834. The exact proportion is as follows :— There were 126,333 voters on 173,165 enregistered electors : consequently 46,832 electors, or 27 per cent., did not vote. This difference arises, in the first place, from the circumstance of the legitimist electors abstaining from voting in some departments. The indifference of the electoral body may be explained by the uniformity of the elements of which it is constituted. The body politic must be composed, as the human body, of several conflicting principles ; and wherever a single principle predominates too much, there is neither energy nor vitality. Before the Revolution of July, the struggle was carried on in the Chambers, and in the electoral body. There the two parties—the one of the past, the other of the future—were in presence of each other ; the former with the force of constituted authority, the latter with that of the country. Since the promulgation of the Charter of 1830, the ascendancy of the victorious *Bourgeoisie* is so complete, that there is neither room nor opportunity for a conflict. The battles which the government has had to fight, have been in the thickets of the West, and in the streets of Paris. The struggle was a parliamentary one under the Restoration ; it has ceased to be parliamentary since the Revolution. Thus the representative system has lost in practical efficacy as much as the government has gained in strength.

The party of the Doctrinaires—which shut the door against the two-hundred-franc electors, as long as a hope remained of keeping the qualification at three hundred francs, and which, having been driven from that position, defends the existing qualification against the opposition—makes the most of the political inertness of the electors. Its members assert that the legislation has stepped beyond the public mind, and that the country is less liberal than the laws. They observe that the great majority of the electors are small landowners, tradesmen, and farmers, for whom the loss of a day's labour is a considerable sacrifice ; and that the exercise of political rights becomes in reality a tax upon electors of this class. In short, that the task of government can only be performed by men of leisure. It is very true, that the exercise of political rights, and the participation in power, imposes, as a sort of com-

penation, a sacrifice of time and money, upon those who are invested with those rights. But we do not believe that they are the less coveted on that account. Every body knows, at the present time, that no advantages are to be had without a proportionate cost. The nobles of the middle ages, who were very unlike what are termed men of leisure, paid for the power, they enjoyed, by the protection they afforded to society, and by the blood which they shed. The ancien régime in France deprived the working population of a considerable number of days in each year, under the form of red-letter days. The exercise of political rights, even including the duties of the national guard and the jurymen, is far less onerous. Moreover, breaks of repose are required in labour, and man is not a machine which can work without intermission.

Experience proves that the greatest zeal is not found in those members of the electoral body, who are most wealthy and least engaged; fortune is sought with avidity at the present day, but not for the purpose of earning a leisure afterwards to be devoted to the cares of state. Men who have secured money, aim at repose; they seek to enjoy their income in peace, and they rarely exchange their domestic occupations for the anxieties of power. The intervention of the wealthy in public affairs is rather to be courted than blamed; but it must be admitted, that far from possessing any peculiar superiority in the conduct of affairs, they are generally deficient in that aspiring force, which is the great *mobile* of democracy.

Democracy in France is now a regular force, which is equally fit for peace and for war; the liberty of the press, and the equal admission of all ranks to all posts, have initiated us into the virtues of government, as well as into the organs of science; thus, the electoral franchise may be extended, without any disadvantage, provided it be restricted within the limits to which the diffusion of knowledge has at present reached.

A good electoral law is, in fact, simply a problem in statistics; it is required to know how many men there are in the country, capable of acting with discernment in the choice of a deputy. But as political ability is not immediately discernible, it is supposed to exist wherever certain signs or

guarantees of moral and intellectual attainments are to be found. Property, industry, and the liberal professions, are the exponents of capacity in modern society; and every elective system, which does not comprise these three elements, must be fundamentally erroneous, of whatever number of electors it may otherwise consist. To admit only one class into the electoral body is to create, as it were, an official nation, or a nation within the nation, and to exclude the possibility of obtaining a correct representation of the age and the country. The French law of 1831 is bad, because it is exclusive; and if the legislature were to lower the qualification to 150 or even to 100 francs, the system would not be ameliorated, because the same element would remain. If we dispassionately consider the present condition of France, we remain convinced that the opinion of 100 franc electors, would be as similar to that of the 200 franc electors, as that of the latter is to the spirit of the 300 franc electors, who preceded them; their interests and their education are the same; and to extend the suffrage in that direction would only be to expunge an injustice from the laws. The real question, and the real difficulty of electoral reform in France, lies in the admission of the capacities, and in the proportion in which they may be admitted. It is a new step to be made forwards, but which can be taken without a revolution; and what is eventual to-day, will be necessary to-morrow. If the admission of this new class were confined to those educated men who now stand on the secondary list of jurors, the advantages of the reform would be small: an additional number of lawyers would be let in, and that class of men has already possessed itself of too large a share of power. But the true criteria of political ability at the present day, are popular choice, and services actually performed. If an electoral conscription were made of electors taken from officers on half-pay, officers of the national guard, and the members of municipal councils,—the two latter classes owing their previous functions to the popular suffrage,—an useful electoral body might be formed of these new electors, acting conjointly with 100 franc tax-payers. But perhaps the time for so extensive a reform is not yet arrived. The present chamber, which was elected under the exclusive influence of property, and which faithfully represents the



prejudices of the wealthier classes, surveys all intellectual superiority with an envious eye; an instinctive hatred is felt of its rival influence, and it is dreaded as a fourth power in the state, represented by the members of the public press. Nor is it perceived that there is no surer way of rendering that class of citizens formidable, than to expel or to exclude them from public affairs. They are kept aloof as competitors, and they are turned into foes. By checking their legitimate ambition of joining the government, the only door left open to them is that of anarchy. Such is the simple explanation of the stormy history of the last five years.

We have admitted that the electoral body, as it now exists, represents the opinion of the majority of the nation pretty fairly. That opinion in France is moderately liberal, as the *centre gauche*, and very strongly coloured by the *juste milieu*. But the harmony which exists between the majority of the electors and that of the nation is only an accident in the phases of revolution, and it cannot be set down as the rule. Immediately after, as well as immediately before, all revolutions, a current of irresistible ideas is formed, in which all the shades and distinctive characteristics of party disappear. Under those circumstances, the number of the instruments by which these ideas are represented and applied to the work of government is comparatively unimportant. But in proportion as the impulsive vehemence of circumstances subsides, public opinion changes its ground. It assumes a calmer form; its impetuosity is slackened; it spreads less outwardly, and to be known it must then be examined and probed to the bottom. Hence the necessity of constituting an electoral body of sufficient extent to collect the floating voices of the crowd. Hence, also, it is impossible that a very limited electoral body should not at one time or another be thrown out of the course which the nation is pursuing. That time must arrive in France sooner than is commonly foreseen, on account of the initiatory part which the social condition of the country obliges it to assume in the affairs of the continent. The majority cannot long persevere in the same traditions: it requires the mobility of a democratic government; and the government of any single class of any rank whatsoever, whether high or low, the noblesse or the bourgeoisie, is equally unsuitable to its habits.

Under the restoration, the electoral body was a kind of intermediate power between the people and the crown\*. It had been instituted by the charter to maintain the balance, and to prevent all contact between two powers, both of which had retained the haughtiness, or rather the ferocity, of their origin. But now that the crown itself is only the representative of popular suffrage, the sole force which exists in the country is that of election. The electoral body no longer stands in its position of armed neutrality; and thence it must either be annulled, or it must be re-invigorated by a large infusion from the common source of power. The greatest danger which arises from the present condition of France is the progressive decline of the influence of the electors. The electoral body no longer gives, it receives the impulsion. The present epoch resembles, in more respects than one, the days of the Directory; it seems as if the active part of the nation was awaiting a master, so convinced does it appear to be of its own incompetency. As the government does not feel itself to be possessed of that stability which is wanting to the official majority, the consequence is endless oscillation, and the power floats backwards and forwards from the Chamber to the administration, and from the administration to the Chamber.

The elements of which the Chamber is composed afford the most striking proof of the absence of decided opinions in the electoral body. The Chamber of Deputies contains a regiment of public functionaries, even more numerous than that which existed under M. de Villèle, in what was termed his *armée des trois cents*. In that assembly are to be found ninety-six magistrates, thirty-eight of whom are liable to be removed from their posts at the pleasure of the minister; fifty individuals connected with the administration of the country, of whom forty are mayors; forty-seven general officers, and officers in the army or navy; nine aides-de-camp of the king, or persons employed on the civil list; and four members of the

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\* Count Montalembert said, in the Chamber of Peers, on the 30th March, 1826,—“ La société se présente maintenant comme divisée en deux classes, dont l'une livrée au commerce, à l'industrie, au travail manuel, penche vers les idées républicaines, et l'autre en possession des places, des emplois, des dignités se laisse entraîner vers les principes du pouvoir absolu. Dans cet état de choses, il est évident que pour éviter un choc et maintenir l'équilibre, la forme de notre gouvernement exige qu'il y ait une classe intermédiaire, une *classe politique*.”

diplomatic body,—in all, two hundred and six deputies, over whom the influence of the crown may be exercised. The number of lawyers, and men of letters, is about fifty-five; the manufacturers, bankers, notaries, merchants, &c., muster forty-five votes; there are one hundred and fifty-three landowners, and men of fortune—being in all, two hundred and fifty-three members, who are in an independent position.

When party-feeling runs high, and the majority is perfectly certain of the objects it has in view, it chooses a candidate, not for his position, but for his character and principles. But when opinions fluctuate, the position of the candidate becomes a sort of rallying point. Thence arises the influence of the government over the elections, although the majority of the electors have no decided feeling either for or against it. Independently of this temporary circumstance, the return of a certain number of public functionaries is unavoidable in a French Chamber. In England, the aristocracy, either Whig or Tory, has undoubtedly a large share in the elections. M. Jollivet has reckoned, that the present House of Commons contains fifty eldest sons of Peers, fifty-two sons or brothers of Peers, seventy-five relations or connections of Peers, and eighty-two Baronets. In France, where the aristocracy is no longer rooted in the soil, the superior influence naturally belongs to the agents of the government; and as long as the government represents the wishes of the majority, this is of little importance. But it must be added, that no minister is free to dismiss a public officer who should happen to vote against the government. The Chamber would regard such a measure as an attack on its independence, and it would not be repeated with impunity. Nay more, if public officers were excluded from the Chamber, it would be very difficult to discuss certain questions with adequate ability. In a country whose organisation is democratic, the persons employed by the administration are necessarily the best informed and the best educated. They are sent into the provinces as the missionaries of civilisation, and it is not very wonderful if the provinces send them back to the Chamber to defend those interests which they went to examine and to regulate.

We are of opinion that little more can be deduced from the number of public officers in the Chamber, than a fact to

satisfy the curiosity. The great securities required must be placed in the electoral body; the choice will be good, if the electors are independent. But the more numerous are the places and the favours in the gift of the government, the more necessary is it to extend the right of suffrage, in order to protect it from corruption and intimidation. The French government has two hundred thousand places at its disposal, in the different branches of the administration, in the magistrature, and in the army; whilst the number of electors does not amount to two hundred thousand. There is only one competent purchaser at the elections, but the means of corruption in the hands of that purchaser are immense. In a country more addicted to traffic and more accustomed to venality in the public morals, this state of things would be the ruin of the representative system. In France, bargains for votes are impossible in moments of high excitement. The patriotism of every elector fills him with a kind of military ardour, and none deserts to the enemy's camp in the heat of the conflict. In tranquil moments it is more easy to weaken the resolution of the electors; they may rather be said to give themselves away than to sell their votes. The promises of ministerial favour may then carry an election; but corruption can only take place when it ceases to be fraught with danger to the commonwealth. Nevertheless, these capitulations of conscience are always an evil; they are an outrage to morality, and they cast a reproach upon the authorities. Representative governments subsist by the faith, not by the obedience of nations; and nations have no faith except in virtue.

We stop short at these ultimate consequences, having passed all the divisions of the elective system in review. If we have judged it aright, democracy is its basis, and aristocracy its apex. The laws on the National Guard and on the municipal councils have stepped beyond the present civilisation of France in some respects. The laws on the departments and on the electoral franchise, are exclusive measures, which are at variance with the diffusion of knowledge and the division of property. We can, indeed, foresee which element of this bicephalous system will ultimately prevail; but the time and place of that conquest are only known to Providence.

## ARTICLE V.

*Monumens de l'Egypte et de la Nubie ; d'après les Dessins exécutés sur les lieux, sous la direction de CHAMPOLLION le Jeune. Publiés sous les auspices de M. THIERS et de M. GUIZOT. Par une Commission spéciale. Paris: 1836.*

SINCE our analysis of Rosellini's work on Egypt, in the last number of this Review, a new work on Egyptian discovery has been brought before the public, of an importance equal to Rosellini's, as regards the distinguished reputation of the author—the high auspices under which it makes its appearance—the new lights which it throws upon this interesting and important subject; and, finally, from the splendid and expensive form of its publication. We refer to the posthumous work of Champollion, on Egypt, which heads our present article, and which, as the reader will perceive, is ushered into the world under the sanction of an especial commission, at the head of which are the present premier of France, M. Thiers, and his late official colleague, M. Guizot. We may, *en passant*, while we congratulate France on having cabinet ministers capable of appreciating the still buried treasures of ancient Egypt, regret the supineness which has been manifested by our own cabinet on the subject, and which, by enabling France to associate her name with the idea of Egyptian influence, has given to her agents and consuls a monopoly of the most valuable antiquities of Egypt; and put it in their power to appropriate monuments which are, by right, the property of this country, and ought to grace its museums; and indeed, to proceed to a most disgraceful extent of extortion and rapacity, in stripping the palaces and temples of ancient Egypt of appendages, by which those extraordinary monuments are greatly deteriorated. But quitting this painful subject of defeated British competition in Egypt, which might be very easily proved to be closely connected with social and commercial prosperity, we return to a consideration of Champollion's great work. This posthumous work may be naturally expected to be at present imperfect. It is so indeed. The commission superintending the papers and drawings of the late M. Champollion, have published a few livraisons of illustrations; but having probably no warrant for giving unity to the work,

by accompanying letter-press descriptions, in consequence of the condition in which the voluminous MSS. of the defunct writer, have fallen into their hands, they have merely attached some meagre, vague, and sometimes hypothetical interpretations, in numerical order, to the series of plates of which the livraisons consist. The work will, at present, be "cavire to the multitude." It will, doubtless, be admired sometimes for the pictorial amusement of the subject, sometimes for the magnificence of the getting up; but as far as a perspicuous and intelligible view of its purposes and revelations is concerned, it will remain for the present a sealed book. It is to throw a light upon these purposes and revelations, without being slavishly guided by the "provisional numerical *explications*" to which we have referred, and which are in many respects incorrect and inapplicable, that we lay before our readers these brief remarks. A considerable portion of the drawings of Champollion, which are given in the first livraisons of this work, is occupied with illustrations of similar objects, animate or inanimate, to those which had previously occupied the pencil or graver of Rosellini. There will be no occasion, therefore, to employ the reader's time with any description or explanation of these, since that has been sufficiently done, for all useful purposes, in our preceding article. The circumstance, however, furnishes ground for one gratifying remark on the corroborative testimony which is supplied by this collation to those startling inferences which we drew from the subjects submitted to the faithful evidence of the eye by Rosellini. We compared some of those inferences to the sudden discovery of a new volume of history, or a new pagan Genesis, and we do not think that we at all exaggerate their importance by applying to them such emphatic phraseology. Of that our readers, however, will have been the best judges. But, if the designation be even partially correct, the importance of a double corroborative testimony, as to the truth of the visible data whence those inferences are drawn, will be admitted to be of paramount importance.

By way of example, we may state that Champollion exhibits drawings, taken from the same localities, of some of the Pharaohs, and their wives and daughters, which perfectly agree, not in outline only, but in those minute shades of physiognomical distinction, which we have urged before as being

equally curious and important :—as exhibiting the Retzsch-like skill of the Egyptian artists 4000 years ago—as showing that they were as perfectly cognisant, as their pupils the Grecian sculptors were afterwards, with the great truths of physiognomy ;—and as preserving substantial evidences, in the character of the persons represented, either to confirm what history has said of them, or to fill up the void of what it has omitted to say. For example, we have in Champollion a full-length portrait, and a half-length portrait, of the great Sesostris. Both are coloured in imitation of the extant representations, in the temples or tombs whence they are drawn, and both perfectly agree in complexion, expression, and costume. The resemblance of the great conqueror to Napoleon, in facial outline, we before adverted to, although Champollion, in his slavish anxiety,

“ To crook the pregnant hinges of the knee,  
Where thrift might follow fawning,”

degraded himself by comparing the portrait to Charles X., under whose sanction he was sent to Egypt, as is well understood, on a mission equally political and scientific. Champollion also gives another portrait of the conqueror, at full length, in the act of being *apotheosised by himself*, from which Rosellini took his copy of the head of the conqueror, on a large scale, to the beauty of this, as well as the graceful form, in which the horn of Ammon is disposed, we bore testimony in our last number. Although the scale of size be different, the truth of each copy is proved by the accurate resemblance of the details of both. According to the coloured portraits of Sesostris, his complexion would seem, like that of all the Egyptians represented on the various monuments of Egypt, to have been of a copper colour, like that of the Moors who now occupy the Northern Coasts of Africa, and the ruined dwelling places of Hannibal and the Carthaginians. We may therefore, very safely pronounce, that the ancient Egyptians and Carthaginians were of the same Moorish complexion, and possibly of the same hereditary lineage. Our learned readers will, doubtless, recollect that there is a *vetusta questio* of ancient standing, connected with this department of the subject. Of what colour were the Egyptians? Were they, as Herodotus says, in his Euterpe, black, with crisped hair? Does he mean by the words which we translate crisped or curly, woolly

hair? Were they then, in fact, negroes? Are we indebted, therefore, to the race on whom we have so long trampled, and whose bonds we have just broken, for that civilization by which we have been enabled to revenge ourselves upon them for their vital gift? Did the stream of civilization flow northward from Central Africa and Negroland, feeding, as it proceeded, one of the sacred founts of Meroe, those reputed sources of civilization? Was the Egyptian Memnon, whose black complexion is described by Virgil, and whose beauty is depicted by Homer as only second to that of Achilles, in fact, a negro, as it has been alleged? Do the now scarcely distinguishable features of the sphinx bear remnants of the negro character, as has also been asserted? We have now the means, through Rosellini and Champollion, of answering all these questions, and setting them at rest for ever. The native race of the Egyptians, including the monarchs who reigned even in Nubia up to the borders of the Negroland, from the earliest time of the establishment of Egyptian government by Thothmos, and his son, Amenoph I., down to the time of the Grecian conquest and the Ptolemies, were, with some exceptions which may be stated, of a copper complexion, resembling the Moors of the northern coasts of Africa, now bordering on Egypt, and having some affinity (with the distinction of their being bearded) with the native American Indians. This fact is proved by the uniform complexion given to all Egyptians in all the Egyptian monuments, without exception; a complexion carefully distinguished from that of the individuals of other nations. The varieties of the human race are distributed by the Egyptian anatomists into four, with a precision equal to and corroborative of Laurence's theory; first, the Black, or Negro race; second, the White, or Caucasian race; third, the Tawny, or Mongolian race; and fourth, the Red, or native Egyptian race, probably embracing the American Indians.

Further corroboration of the latter hypothesis is derived from every mummy which is unrolled. The umber-coloured skin may have lost its original hue by time, or by the process of embalming. Beyond a doubt the colour of the hair has been affected by that process, which is often of a reddish brown; because the hair may be dyed, and now is frequently dyed of



the same colour by means of some of the ingredients used in that process. But the form of the features is preserved; the slightly aquiline nose; the full Abyssinian lip and large chin; the position of the eyes slightly inclined upwards at the exterior angles, with large eye-lids, and the general form of the head. In all these physiognomical characteristics, the mummies precisely concur with the facial outline assigned to native Egyptians on all the Egyptian monuments. The hair, both of males and females, according to the monuments, was black, coarse, and long; and, according to the testimony supplied by the mummies, was occasionally curled, or crisped,—sufficiently so to save the character of the historian for accuracy. The monuments supply no testimony in aid of this inference with regard to the hair; because the ordinary head-dress of the Egyptian males and females, and which consisted of a kind of capote or hood of striped cotton, conceals the hair from view, but they prove that it was long, by its appendages, which fall over the shoulders with something like the effect of the “mob-cap,” which our female ancestors wore some hundred years ago. The exception of head-dresses occasionally exhibited by the Egyptian Pharaohs, separated artificially into minute curls like wigs, and resembling those exclusively appropriated to the Indian Bacchus, cannot be referred to as bearing with any weight upon the argument. The Egyptians, therefore, may generally be pronounced to be characterised by Moorish complexion, with black hair, sometimes long, sometimes curled, but never woolly. An approach to the Negro character is sometimes, indeed, seen in some of the outlines of the sculptured or painted monuments. But there is nothing surprising in that circumstance, when it is considered that the rule of the Egyptian Pharaohs, of Thebes as well as of Memphis, extended over the modern countries of Nubia and Abyssinia, as far as Negroland; there would be, therefore, an occasional mixture of the two races. In effect, the Nubian lip is a distinguishing character of all the males and females of the early courts of the Pharaohs. Some of the female aristocracy of these courts are, as we have said, exquisitely beautiful, and resemble some of our female aristocracy in their combined expression of calm hauteur or languishing self-possession. But they always possess a distinction which shows the accuracy of the delineation;—an indefinable

*ensemble* of expression, which may be pronounced purely Egyptian. There is often a Nubian character in their profiles, never a negro. The physiognomy of the daughter of Amenophis I. and Amense, one of the first of the Palladi—(nuns devoted to Ammon, within the sacred precincts of the vineyards and sealed fountains consecrated to him\*), though handsome so far as the upper part of the face is regarded, is entirely deteriorated by the Abyssinian expression of her mouth. Not so her father, the great expeller of the shepherds, and with his father, the Nubian Thothmos, the founder of all civil institutions. The character of his countenance is perfectly heroic, such as we should naturally expect from the heroic character of his age and exploits. It approaches the perfection of Greek sculpture, but preserves that characteristic physiognomical distinction of minute detail, which we have before remarked, as imparting veracity to the *beau idéal* of the portrait of Sesostris, and proving the physiognomical skill of the Egyptian portrait painters. It is less calm than that of Sesostris; its leading traits are vigilance, sagacity, and benevolent intelligence.

But to conclude the question which relates to the Negro character and complexion. It may appear surprising, but, perhaps it would scarcely derogate from the physical beauty of the Egyptian people, male and female, if we ascribed to them the negro features; that is, the undegraded negro features, as represented on the monuments. They are black, and have woolly hair, it is true, but they are decidedly the finest men of all the varieties of the human species, which have been exhibited. They are superior in profile, in deportment, in attitude, and in figure. This is a consideration deserving the notice of the advocates of negro slavery. They are, in fact, not the negroes blasphemously supposed by them to have the mark of Cain inflicted on them; brutalized by long ages of misgovernment in their own country, and degraded by the branding iron and the lash of their European taskmasters in the West Indies; but negroes, such as late travellers have described them in St. Domingo, where the chains of slavery have been a long time broken, and the negro child has drawn his first breath in freedom.

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\* Solomon's Song.

They are the negroes such as they were originally formed, and as they come from the hands of their maker: We now leave that consideration to physiognomists. The moral effect of slavery and degraded habits, or *vise versa*, in depressing or elevating the scale of physical beauty, is quite worthy of their attention.

We have said that there are some exceptions to the general rule, that the Egyptian people were not distinguished by the negro character. Two of the exceptions are singularly in accordance with the foregoing remarks; they relate to Memnon and his mother. It has often been discussed, and inferred from the circumstance of Memnon being called black by Virgil, corroborated by the designation employed by Herodotus respecting the Egyptians, of their being black, with crisped hair, that Memnon was a negro. That fact, as we have shown, would not preclude him from being the handsomest man next to Achilles, at the siege of Troy. But by a curious accident, proved by the illustrations of Rosellini and Champollion, it is now ascertained that Memnon was half a negro, his mother being an actual negress. His mother, wherever represented, is not only black, but always exhibits the purely negro character; and Memnon himself, though only half negro in blood, approaches the negro in his facial outline, and may be readily seen by a copy of the great statue on the plain of Thebes, now in the British Museum, more than any of the entire line of native Egyptian princes. The coloured portraits given by Rosellini, and confirmed by Champollion, have led us into this discussion, which we think final as to the *question* involved in it. With regard to the female portraits of the courts of the Pharaohs, it is worthy of remark, that although in many cases they are represented with the same copper-coloured complexion as the males, they are in most cases distinguished by a golden olive colour, somewhat resembling the complexion of the Arab and Tunisian women, and which might, by possibility, have been produced by being more sheltered from the scorching effects of the sun than the male population of Egypt. But although we have no reason to doubt that it represented the visible complexion of the great ladies of Pharaoh's court, we believe it to have been produced in an artificial manner, by cosmetics, or some kind of dye. We

know that throughout the east, both in ancient and modern times, the alhenna, which we wrongly translate the camphor tree in Solomon's Song, and which is a perfumed dye, yielding a golden olive colour, was, and is yet, employed in tinging the complexion, hands, and feet of the Asiatic beauties. Gold dust and minerals were evidently used, by the negro exquisites, for powdering their woolly curls. It is probable that gold dust, used by the Roman emperors, was used by Solomon for his hair; otherwise it would be impossible to understand what his Egyptian mistress, the daughter of Shishak, means in Solomon's Song, by saying, that his locks are black as a raven, and his head like gold. We may here, *en passant*, say, the Egyptian monuments reproduce the black raven locks of his son Rehoboam, as well as his Jewish features. It was the custom throughout the east, and is now, to dye the skin of the bride with a gold colour, and sometimes to ornament her with gold leaf; sometimes, indeed, the female Egyptian mummies exhibit these ornaments. So Solomon's Egyptian bride, in the epithalamium, Psalm xli. verse 15, is described, almost in express terms, as having her skin gilded for the occasion. This golden colour was often a form of apotheosis, and dedicated to the gods: from all this we infer that the Egyptian aristocracy affected this golden olive tint, which was produced, as it is known, in the east by the perfumed dye of the alhenna. It is curious, that of the two wives of the great Sennacherib, the favourite Isenofre (or Nofre-ari), is always represented with this golden olive complexion; while Botaniathe, his other wife, is sometimes represented with the golden olive tint, and in order to show that it was artificial, she is also represented with the native Egyptian copper colour. Coloured full-length portraits of each, in coloured costumes, are given, both by Rosellini and Champollion, and both minutely agree. Botaniathe has no great pretensions to beauty, but some of the portraits of Isenofre are exquisitely handsome. It is quite clear that the great conqueror, her husband, idolized her on that account; since, she is often represented, at Ipsambul, in the character of the goddess Athor, or Venus. In one case, indeed, he worships her by an actual apotheosis, himself offering incense to her as a goddess, in the character of Anouki, the Vesta of Egypt and the mother of the gods.

(See Champollion's monuments, plate VI., livraison I.) In the Speos of Athor, such was the strange form of Egyptian idolatry, he is seated by her as a god, she representing the goddess Venus, or Athor,—he the god Ammon, or the Jupiter of Thebes. It is in the last instance that his beautiful portrait occurs, with the Ammonian horn, to which we have before adverted. In front of the god and goddess, thus apotheosised, appears Sesostris himself, offering incense to his own god-head and to that of his wife. The portraits of Isenofre, in both these latter instances, exhibit a characteristic of lofty and heroic beauty; but they are evidently portraits, and differ strikingly, especially in the character of their aquiline and predominant (we were going to say, aristocratical nose), from the rectilinear frigidity of the Greek *beau idéal*. The arrogant custom of kings deifying and worshipping themselves, which existed in the east in the most ancient times, thus appears traced to Egypt. Rome, under the imperial regime, was infected with the same eastern presumption, as appears from the examples of Nero, Caligula, Heliogabalus, and others. Augustus forbade his deification while living; but his friend the pro-consul, Cornelius Gallus, suffered his natural strong sense to be so far tainted by the adulating custom of the land which he governed, as to allow statues to be erected to him, and incense burned before them as to a God, which probably provoked the jealousy of Augustus, and caused his downfall. The illustrations of Champollion generally concur with those of Rosellini concerning the series of portraits of the Pharaohs, and the representation of the manners, customs, arts, and amusements of the ancient Egyptians. The published illustrations on this head are more limited than those of Rosellini; but we presume that the present deficiency will be supplied by the publication of the successive livraisons. The chief novelty of Champollion's work, as far as it has yet appeared, consists of battle pieces and warlike details, which Rosellini has not yet given, and which serve as illustrations to the curious and interesting account of the warlike bulletins on the walls of the palaces of the Egyptian conquerors, which Champollion supplies in his *Lettres écrites de l'Égypte*.

We furnished our readers in our last number with a brief *Sketch of the Trades and Manufactures of Egypt* 4000

years ago, supplied by the rich series of Rosellini's illustrations. A work under that title is required. It might be at once condensed and ample, precise and perspicuous. It would not depend upon the vague evidence of conflicting or hearsay historical narrative, cotemporary or posthumous, but upon the incontrovertible evidence of the eye-sight and senses. At present, keeping the novelty and popularity of the subject before us, as our guides in directing this investigation, we pass at once from Rosellini's ample delineation of the arts of peace, practised by the Egyptians of Thebes under the eighteenth dynasty, to the art of war, in all its curious details at the same period, which is exhibited in Champollion's new work. When these last illustrations are complete, we doubt not, that a *History of the wars, expeditions, and exploits of the Pharaohs of the eighteenth dynasty*, might be given with equal accuracy and fulness to the history we have suggested. A few prefatory pages of Champollion's unfinished illustrations of these wars are, very properly, occupied with coloured representations of the arms and armour employed by the kings and victors themselves, as well as used in the various departments of the military service. Whatever resemblance Mr. Hamilton may have seen (and the resemblance in many respects is most striking) between the battle scenes recorded by the sculptors of Thebes on the walls of its palaces, and as graphically depicted by Homer in the Iliad, it is quite certain that the warlike accoutrements of an Egyptian king or hero were strikingly dissimilar, in many respects, from those of the Greek and Trojan magnates. The fact is, that in the sombre superstition of the Egyptians, there was not an article composing the dress of an Egyptian king or chief, from the head-dress to the shoe, which had not an allegorical meaning. No such thing was obviously aimed at, in the tasteful and graceful design of the warlike panoply of a Greek chieftain. The only remnant of the symbolic form in the armed costume of Greece, as appears from Homer, and, indeed, from the most ancient Etruscan vases, was the allegorical symbol painted or sculptured on the shield, and indicative, like the banners of the twelve tribes among the Jews, either of the individual, the tribe, or nation to which he belonged. We shall have a word to say upon this singular proof of the existence of heraldry in the

remotest times, because a true understanding of it is necessary to a full interpretation of the Phonetic language, without which little further progress can be expected from Egyptian discovery. But to return to the warlike costume of an Egyptian hero. Grotesque and untasteful, as were in many respects, the civil and religious costumes of the Egyptian monarchs and aristocracy, their warlike costume, though unlike the Greek, was not deficient in splendour, gracefulness, or taste. When the Pharaoh went to battle, the *Pshcent*, (which was the inaugural crown of Egypt,—and consisted of two parts, a bucket, representing water, or the lower hemisphere, and a cone, representative of fire, or the upper hemisphere, and expressing generally the arrogant pretence of being the Sun-God of both worlds,) was laid aside for a steel casque, of a peculiar turban-like form, but as capable, as the Grecian helmet, of tasteful or magnificent embellishment. On the blue-tempered steel, of which it was mainly composed, golden circular bosses appear sometimes with striking effect. The golden asp proceeding from the forehead is never laid aside, in any case civil or warlike. It always indicates royalty, even in the case of females; the head of the asp being often intermixed with the head of the golden vulture, which was the peculiar, and not ungraceful crown, of the Egyptian queens. Frequently golden ornaments of sphinxes, such as those which decorate the helmet of Minerva, enrich the sides of the Egyptian casque; but in no case is it overshadowed by the crest of horse-hair, the nodding of which Homer delights to describe; yet the casque is, in some cases, surmounted by an ornament of equal though less terrible beauty—the emblem of the Egyptian Trinity, the globe, the wing, and the serpent, apparently in solid gold. Some of the helmets of the nations at war with the Egyptians, especially those supposed to be Scythians or Bactrians, bear a greater resemblance to the Greek, consisting of a steel skull-cap, with a crest, consisting of two tassels in the form of the lotus; from other instances, the lotus traversed by arrows appears to have been the heraldic standard of that people. It surmounts the walls of a city besieged by Amenoph III., which might be Shushan, in Bactria, the word Shushan, signifying lilies, and tradition implying that Amenoph III., or Memnon,

came from, or built that place.—See Liv<sup>a</sup>. I., plate 15, and Liv<sup>a</sup>. II., plate 3.

It may be added, as a curious corollary to the above remark, that a nearer resemblance to the model of the Grecian helmet body armour, military *philibeg* and shield, is to be found among the Mexican, or rather Tultecan paintings of New Spain. A light coat of mail, sometimes banded with steel, but more often made, to all appearance, of quilted cotton, like that ascribed to Montezuma, formed the next appendage of the Pharaohs' military harness. It is a mere military variation of the civil tunic which, descending to the knee, was girdled about the waist, and supported over the shoulders by two straps. Bracelets, gorgets, breast-plates, and anklets, were worn in war, as on ordinary occasions; but the foot of the Pontiff King, which is often exhibited naked on religious occasions (no doubt according to the Mosaic injunction, "put off thy shoe," &c., and, in conformity with the practice of the modern Turks,) is shod with a heavy sandal or shoe, nearly as ungainly as that of the Mexican warrior, and having a curved spike at the toe, not unlike shoes worn in the time of our Edward I. We believe there is no instance of a shield being worn by a Pharaoh in battle; if there were, it would solve a question of great importance to the Phonetic language, namely, whether those ovals, which by Young are called rings, and by Champollion cartouches, for what reason we cannot understand, may not have been, as we always suspected and expressed from our first entrance on this subject twenty years ago, royal shields bearing their appropriate heraldic devices. We still think that they were so, and we shall show before we have concluded, that Champollion is driven the force of facts, in three instances, to take our view of the matter\*. Although the royal hero himself never appears with

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\* It is not requisite to repeat our explanation of the Phonetic language, having comprehended it in our last number within the compass of a brief synthesis of the four departments of the Egyptian hieroglyphical language, viz. 1st, Symbolic; 2nd, Phonetic; 3rd, Hieratic; 4th, Demotic letters. Our knowledge of the Phonetic is not perfect, although it is applicable, with tolerable accuracy to proper names. Its imperfection may be readily inferred from the fact, that Champollion has changed his opinion of the initial sounds represented by these alphabetic consonants, repeatedly; and he often, capriciously or forgetfully, while interpreting names, gives them different elementary powers. Of the sounds



a shield, the charioteers, who may be said to have constituted the cavalry of the Egyptian army, carry shields, the shield

connected with the titular, or left hand ovals, designating the "new names" (see Revelations, chap. II., v. 17) of kings, we know nothing. We suspect the relics of a sacred or patriarchal language, like the Devangari of the Brahmins, or the secret language of the Greek mysteries, to have been shrouded under these forms; but we have no proof of this; we only know that the name Phra, the sun, or Pharaoh, uniformly constitutes the first symbol of the title. Young, as is well known, originally thought that the Phonetic characters in the right-hand ovals were expressed syllabically, not initially; as in the case of the basket (ber), constituting the first syllable of the name Berenice, which Champollion reads B, and with which Young recantingly afterwards concurred. Now we believe, that Young was right in many cases, and that for the purpose of preventing confusion by having one initial consonant represented by a vast number of symbols, the Phonetic character was sometimes read syllabically. This is proved, in numerous instances, in the Demotic language, where the names of gods are introduced, constituting complete syllables in making up the word. It is tacitly admitted by Champollion himself, when he translates a single symbol into the sounds Mend, and Sir or Osir—mere symbols introduced, we believe, into the names of the two Petamons; one symbol in the name *Nofre-ari*, he reads *dissyllabically*, and consequently *heraldically*. Many other proofs of the syllabic powers of the Phonetic characters might be adduced. The truth of Young's first view is proved by strong corroborative testimony. The Phonetic characters, forming part of the Chinese hieroglyphical language, and, like them, employed in the enunciation of proper names, are beyond a doubt syllabic. Again, the Tultecan hieroglyphical language has also its Phonetic characters depicted in oblong rectangles instead of ovals, over the heads of the kings. Now these are uniformly translated syllabically. Our sole postulate, however, is that both forms were occasionally used. If syllabic in any respect, the Phonetic language was so far heraldic. We might, as we have said, multiply proofs; but we will give two, that heraldry, clearly derivable from Egypt, as the titular ovals, municipal symbols, and national banners at all events prove, expresses itself phonetically at the present day; for instance, a *mount* and an *eagle* (symbols by the way perfectly Tultecan), phonetically represent the Mount-eagle family; a *lock* and a *heart*, in heraldry, phonetically represent the Lock-harts. We do not think any further proof of our postulate is necessary. Now, if heraldry represents names and titles upon two divisions of the shield, right and left, is it likely that originating in Egypt, as it indisputably was, it did not represent upon the two divisions of the royal shield, or upon two combined shields, an indispensable distinction—indispensable we say, because it is quite clear that the chiefs in battle must be so distinguished, and that they were so, is clear by implication from Homer and the oldest Etruscan vases? Why may not these cartouches, as Champollion strangely calls them, be shields? This is an obvious query, and it is, in fact, solved by Champollion himself, who, driven to recantation by the force of fact, admits them in three instances, in his *Lettres écrites*, to be shields. In one instance, in a temple in Nubia, he speaks of the Phonetic ovals (cartouches) being fixed in the ground, and employed as a kind of testudo, or rampart of shields, by the Egyptian soldiers. In another instance, in the case of the thirty captives, among whom is Rehoboam.

being employed by the armed warrior in the chariot, as in the case of Idomeneus, to cover his own body as well as that of his colleague the charioteer.

The shields of the Egyptian charioteers differ only from the Phonetic royal shields in having a square base instead of the peculiar foot or prop which characterises the royal Phonetic ovals. The purpose of that foot or prop appears to be this, to support the shields in an ornamental manner round the walls of the palaces, or it may be for the use of raising them occasionally as banners, bearing the devices of the Pharaohs on long cruciform staffs or *props*, as they are symbolically interpreted to be. The offensive weapons of the Pharaohs consisted of a bow of a peculiar construction, the shaft exhibiting an obtuse angle, and evidently consisting of two parts united by a central joint. The two parts were probably of elastic steel, and the effect would doubtless be to give immense force to the discharge of the arrow. Two quivers, one for holding javelins and the whip, the other for holding arrows, tasteful both in their form and disposition, and often magnificently ornamented, diagonally traversed the two sides of the Pharaohs' war car, which consisted, as may be inferred from the green hue generally imparted to it, of a light skeleton frame of bronze open behind, and low like the Greek cars of Homer, for the purpose of easy ascent and descent. The car (Liv<sup>n</sup>. I. plate 15) is of gold, as the inscription attests. A scymetar, of a peculiar form, is another of the royal weapons exhibited by Champollion, but the cutting part of the blade, unlike a scymetar, is on the concave side, and somewhat resembles a reaping hook ; it may be a model of the *harpe* or hooked sword, ascribed to Perseus. Another formidable weapon, somewhat resembling the halberds of the middle century, but divested of the iron cross at the bottom of the blade, and appearing to cut like a battle axe or falcheon, and pierced, at the same time, like a spear, com-

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dragged to the foot of Ammon by Shishak, the crenated ovals which designate their names are called shields. A third time he employs the designation in describing the battles and captives of Rameses-Me-amon, at Medinet Abu. The following is one of the three passages: " Les noms ont été sculptés dans les cartels servant comme des BOUCLIERS aux peuples enchaînés."—(*Lettres écrites*, p. 337.) It may be added, that the royal ovals are ornamentally disposed in cornices, like the *shield* is in Gothic architecture.

pletes the offensive armoury of an Egyptian hero. The javelin seems to have been discharged in the manner Homer ascribes to the warring chieftains of Troy, although there may be fair reason for inferring, from the cord and tassel at the end of the shaft, the use of mechanical means for giving impulse to the discharge, such as that employed at the present day by the American Indians and New Zealanders. The cars, as we have intimated, are often of the most splendid description. No springs were employed, nor were they requisite, as the warriors stood upright in them, and because, as appears from Homer, the rattling or thundering sounds which they made on the field of battle, were desirable auxiliaries to their formidable purpose. A bronze pole with two large rings of the same material, diverging from the extremity, through which the harness of the two horses which drew the car was passed, completed its simple construction. But the car, simple as it was, though often uniting grace and magnificence in its form and embellishments, would have been nothing in point of regal pomp were it not for the magnificent horses which were attached to it. Some of these animals are most splendid examples of the war-horse. The beauty of their forms is most striking, and though of a different breed, they may often vie with the horses of Phidias, represented on the Parthenon. No artist will talk of the stiff forms of Egyptian sculpture when compared with that of its pupils, the Greeks, after an inspection of the superb and graceful animals which draw the cars of the Pharaohs, and which appear in every varied form of warlike action and excitement amidst the battle pieces of the monuments. The harness which attaches these animals to the car does not differ greatly from the modern; but the reins, in order to leave the hands of the hero free for combat, are generally lashed round his body. We are now describing, from a coloured illustration by Champollion, a representation of Sesostris in his war-car (see *Liv.* I. plate 15). The stately horses which draw it, whose necks are loaded with jewels, and protected by ornamental fly flaps, and whose superb heads are invested with a jewelled diadem surmounted by ostrich feathers, seem as proud as the divine horses of Achilles, of the demi-god they are carrying into battle, and exhibit not less intelligence. It was, doubtless, to these beautiful creatures that

the Egyptian bride of Solomon refers when she compares the noble deportment of her lover to their harmonious action in the car of the Pharaoh Shishak, her father; and it is not improbable, that in particularising the rich ornaments, she says she will make for him, she has also in view the gorgeous ornaments with which the necks of these favourite animals were decorated. At all events, the ornaments thus described are all Egyptian, and worn by the Egyptian aristocracy.

"I have compared thee, oh my love, to the company of horses in Pharaoh's chariots."

"Thy cheeks are comely with rows of jewels (*Bethurim*)—thy neck with chains (*Barmim*) of gold."

"We, too, will make thee borders (*Thurineb*) of gold, with studs (*Needuth*) of silver."—*Solomon's Song*, chap. I., v. 9, 10, 11.

It was for this breed of horses that Solomon is recorded to have paid such enormous prices, when importing them from Egypt. They are related to have fetched as much as 150 shekels\* of silver, which may be fairly inferred to be nearly equivalent to the price of the best breed of horses in this country, at the present time, and which are known to be of Palmyrene parentage—perhaps, of the same blood as these. The car of the Egyptian Pharaoh was attended by the chief standard-bearers of the army, the standards being symbolically devoted to the different gods of Egypt, bearing their forms, and being as varied as those of Rome. He was also attended by running-grooms, whose position, as in the classic chariots, was at the heads of the horses, and by the fan-bearers, whose fans have been mistaken for standards, but which are, in fact, palm branches, placed on the top of a pole in a graceful semi-circular form. We have now described the warlike panoply of an Egyptian potentate.

Following Champollion's illustrations, we shall next give a bird's-eye view of the various arms of the Egyptian military service. The army was evidently distributed into two parts, one consisting of infantry, the other of war chariots; cavalry, properly so called, being unknown to the Egyptians, as it appears to have been to the warring nations on the plains of Troy. It was in their chariots and horses, as the Hebrew prophecies denouncingly intimate, that the proud monarchs

\* 1st Kings, chap. x. The chariot produced 600 silver shekels, a charge not inferior to that of our most stylish coach-makers.

of Thebes vested their chief military strength. "Trust not in Pharaoh's horses," says the most sublime of the prophets; "they are not spirit, but flesh." "Rejoice," says the exulting song of Moses, "for Pharaoh's chariots and his host are cast into the sea." Homer, as every classical scholar knows, in depicting the hundred gates of Thebes, refers to its numerous war chariots as the greatest of its wonders. The pompous march of his poetry concurs with the procession of Theban war chariots, and warriors, exhibited in one of Champollion's illustrations. While surveying it, the Mæonian bard's sonorous description of the magnificent procession of car-borne warriors, issuing from the gates of Thebes, is forcibly brought back to the memory.

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οὐδ' ὅσα Θηβας

Αἰγυπτίας, ὅδτι πλείστα δομοῖς ἐν κτημάτων κῆται,

Αἱ δ' ἑκατομυλίοι εἰσι, δῆκροισι δ' αὖ ἑκαστῶν

Ἄνθρωποι ἐξοιχέουσιν σὺν ἵπποισιν καὶ ὀχέουσιν·

Which Pope renders by the following translation, which, though not strictly accurate, imitates Homer's resounding pomp of expression, so suitable to the subject:—

"Not all proud Thebes' giant walls contain  
The world's great mistress on the Egyptian main,  
Who spreads her conquests o'er a hundred states,  
And throngs to battle through a hundred gates;  
Two hundred warriors and two hundred cars,  
Through each wide portal issuing to the wars."

From this it is to be inferred that twenty thousand war chariots were the amount of this arm of the Egyptian military service. Each chariot having two horses and two men attached to it, would, in modern language, raise the number of the cavalry to forty thousand men. This number is fully made out by the illustrations of the warlike expeditions and battles of Sesostris, now first laid before the public by Champollion's great work. The cavalry, the command of which appears, from the inscriptions, to have been always given to the king's eldest son, was divided according to modern usage, into different brigades, under officers of different grades, the younger princes sometimes holding subordinate command. Some of these brigades, from the same inscriptions, are proved to have been very numerous. The hierogly-

physical numbers for nine thousand appear over a procession of cars constituting a part only of the army of Sesostris in his expedition against the nations called *Robourim* and *Scheti*. See *Livraison II.* plates 22 and 24. *Ipsambul*. See also *passim*, plates 18, 19, 20, and 21. The skilful manner in which the processions of cars are arranged, for the purpose of exhibiting the varied and graceful action of the horses as well as the varied disposition of the forms of the warriors and charioteers, will instantly remind the reader of the procession of cavalry, sculptured by Phidias, at the Parthenon. Nor will it admit of much doubt, that the Athenian colonists from Egypt in this cognate procession of warriors and horses came for their model, as they did for every thing else, to their Egyptian parent. The same obvious marks of portraiture, the same traits of physiognomical expression, the same intermixture of head dress, cap, hat, and helmet, are observable in the Egyptian procession, as in the Athenian. The warriors, in the car, are armed with a long pike, a short sword, and a conical shield. They wear a close iron skull-cap without crest, and generally a coat of mail, descending to the apron of the tunic, consisting of flexible plates of steel; they may be said, therefore, to be well armed. The infantry were much more lightly armed. They were divided into two brigades; the first consisting of archers, the latter of javelin men. Both were provided with short swords, attached to their girdle, but only the last with shields. A large part of both departments of the infantry wore no defensive body armour; although there were exceptions. They generally bore the domestic striped *capôte* and ordinary tunic; but in some cases an iron skull-cap is substituted for the *capôte*, while, in others, the warriors have their heads shaved like many warriors of the eastern nations of the present day. The cause of this was doubtless the same, to prevent the enemy grasping them by the hair of their head at the beginning of the attack.

Another curious circumstance may be noted, inasmuch as it supplies another corroboration of the well-known proverb, "That there is nothing new under the sun," as many, like ourselves, has been, doubtless, induced to exclaim, while observing the youth and old age of the world as it were shaking hands together, after a separation of 4000 years, and

finding how wonderfully alike they are. The Egyptian cavalry are distinguished, like our present crack regiments of dragoons or hussars, by wearing the *moustache*; a custom which was doubtless meant to distinguish them from the infantry. Peculiar standards seem to distinguish the different battalions, regiments, or brigades of the army; whose captains (their names, and titles, being generally inscribed over their heads) are readily distinguished by their position and *bâton* from the troops which they command. Trumpeters, and heralds are also attached to different divisions of the *corps d'armée*; no other military instrument of music but the trumpet appears to have been employed in the Egyptian army. Baggage and ammunition waggons, not much unlike the present in form, followed in the rear of the army with the sutlers' sumpter mules, and droves of cattle, &c., which were destined for its sustenance. The commissariat department is easily distinguished by the military; usually remaining behind in the encampment while the army is engaged in battle. A body guard, headed by the second son of the monarch, (the first, as we have said, being general of the horse, whose places, in point of etiquette, were first and second on the left hand—not the right, the Hebrew place of honour\*—and composed principally of the princes of the blood and the nobility of Egypt,) surrounded in striking and distinguishing costume the palanquin, or the war chariot, of the great autocrat. In front of the army a standard, gigantic enough to have been unfurled by

"Azazel, on the right, the cherub tall,"

of Milton's infernal host, and dedicated to the god Ammon; was carried as a kind of military palladium, and a symbol that the god himself went forth at the head of the army of the Egyptian monarch, conquering and to conquer. This standard, like the English cross of St. George, or the French oriflamme, was the royal and national standard of Thebes and Upper Egypt; and appears always to have been planted with religious rites and ceremonies in every station of the monarch's ambitious march, wherever new battles were to be

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\* Sit thou on my right hand, until I make thine enemies thy footstool.—  
*Psaln cx.*

fought, or new conquests to be attained. It was composed of a long staff, surmounted by a solar disc, and by the ram's head and double palm branches, symbolical of the god. It was distinguished from the standard peculiar to the Pharaoh himself, and which consisted of a branch of the *Doum*, or palm tree, embellished with gold, and painted of the four sacred colours, placed on a staff of moderate dimensions, and generally indicating the place of the royal tent. The height of the great standard of Ammon must have been considerable, since, on one occasion, it appears borne on the shoulders of sixty men, and with sufficient interval between their ranks to preserve a dignified and orderly march. It may be fairly presumed to have been not less than sixty feet in height, the average height of the obelisks; and it was meant, doubtless, to be seen by the whole army at a distance, in order to rekindle their zeal, by reminding them of the presence of the holy symbols and guardian gods of their native country. An inscription, running along the length of this great standard, in one instance, and translated by Champollion, strikingly resembles the formulary of the Psalm (110th) we have just quoted, which has struck others, beside our selves, as having an Egyptian association running through it from beginning to end. The second verse of the Psalm is equally characteristic as the first, and agrees with Champollion's translation; indeed Ammon is depicted on another occasion as employing almost the same words to Sesostriis, when sending him forth on his conquering mission. "Thy lord shall send the rod of thy power (*id est*, the rod of Ammon) out of the holy city; rule thou in the midst of thy enemies." Passing over the words, "the people shall offer thee free will offerings in the day of thy power," which curiously concur with an epithet applied to all the Pharaohs, "king of a willing people," these words will strike any one by their affinity to the boastful sculptures on the propyla of all the palaces of the triumphant conquerors. "The Lord on thy right hand shall wound even kings in the days of his wrath, and smite in sunder the heads over divers countries." The sculptured formula, as is well known, is precisely the same as this, the king smiting in sunder the heads of the different countries with a sword given him by Ammon. Again, the last verse is inexplicable,



unless with reference to Egyptian association, "He shall drink of the brook in his way; therefore shall he lift up his head." Now the well known symbol of Ammon, and the hieroglyphic, even of his name, is a ram drinking from a brook, expressed by a vase emitting a stream of water, a well known type of a fountain, river-head, or brook. We have thought it necessary to diverge slightly from our track, in giving this explanation, because we think the striking corroboration thus supplied, to be a matter of justice due to the sagacity and accuracy of Champollion. We have spoken of the royal standard,—the *Doum* branch. The princes of the blood, and the body guard generally, were distinguished by a sceptre, which represented the same form on a smaller scale. There were two marks that always distinguished, as heraldry now does, princes of the blood; the first was the palm branch sceptre, which they carried in their left hand, and the next, a peculiar lock of hair, descending from the temples and from the fillet diadem with which they were bound, in a bag of blue silk imitating a horn, and resembling that which is always indicative of Horus, the son of Osiris, although not plaited like the latter. We may add another form which distinguished the princes of the blood, as well as the princesses of the court—their names appear in a single oval, and are only written Phonetically. The second, or titular oval, was never added until they succeeded to the throne. The titular oval, therefore, was exclusively royal, and no light has been thrown hitherto on their symbols, unless we can induce the reader to concur with us, that the two constituted the half quarterings of the same heraldic blazonry by which at this day both the titles and names of families are symbolically expressed.

With instances of this, perfectly accordant with the Egyptian symbolic and Phonetic system of expressing names, we could, if we pleased, inundate these pages; but we have at present a main object, connected with the work of Champollion, under review, and, for the sake of the perspicuity and unity of the investigation, we must not allow ourselves to be diverted from that track. We return to complete our description of the costume of the body guard. Beside the *Doum* branch, which they carried in their left hand, they were distinguished by a weapon in their right hand, not usual in

other departments of the military service, viz. a battle axe. They generally wear long and costly robes, covering the whole person, of the favourite green colour peculiar to the Pharaohs, and which appears to have originated the sacred green colour, adopted by the eastern Caliphs claiming alliance with Mahomet. These robes seem to have been of green muslin, for they exhibit the colour of the inner tunic worn by the kings, queens, and princes, and even the complexion and articulation of their limbs. It is, however, not ascertainable, whether the upper part of the tunic of the body guard was invested with a body coat of flexible plates of mail. This splendid body guard, with their peculiar costume, accoutrements, and standards, and the symbolic standards of the hierarchy occasionally exhibited among them, are always seen marching in double column before and after the car or palanquin of the Egyptian potentate. Their number is not precisely fixed, but the symbols of 6000 on one occasion appear above their heads, and the probability, therefore, is, that they were equal in number to the sacred band of royal and noble youths who surrounded the war chariot of Darius and the Persian kings. Our readers will perceive we have not vainly boasted of the accuracy which might characterise a "*History of the Egyptian wars during the 18th dynasty*," as well as the accuracy with which a history of the manufactures of the same time, might be framed. Neither eye-sight, or figures can deceive. Whenever a body of Egyptian infantry appear in march, their numbers are uniformly added. There can be no wilder exaggerations than those which throw doubt upon the march of Alexander, when we are trusting to the narratives of Quintus Curtius, and others. But the numerical accuracy is only a small part of the fidelity of the whole pictorial narrative. The cavalry march in double column, the infantry in successive lines, the numbers of each rank being always ascertainable. The slingers fight irregularly, scattered or in ambush, like our sharpshooters; but the archers shoot in regular platoon or échelon, like our musketeers. All the usual strategies of a field of battle, indeed, are apparent in the Egyptian army; with this difference, that arrows and slings are used instead of fire-arms. Certainly there is no evidence, in these battles and sieges of the Pharaohs,

of that knowledge of the means of discharging rockets, which has been alleged, and ably argued, to have been known in India and China, from time immemorial, and to have originated the suggestion both of the Greek fire and of the Congreve rockets. Nor is there, indeed, in any of the illustrations, whatever may remain to be produced either by Rosellini or Champollion,—any unquestionable exhibition of catapultæ, balistæ, balæaric cranes, or battering rams, which constituted the artillery arm of the Greek and Roman military service. In the siege of fortified places, one of which is represented at the Propylon of Louqsor, and another in the Ramesseum erroneously called the Memnonium, the more primitive form of attack is resorted to. It is strictly in accordance with the Hebrew description of the mode of attacking the mountain fortresses of the Anakim and Canaanites. “Thou shalt heap up dust, and take them.”—“He shall cast up a mound against it.”

The Egyptian besiegers are represented in this very fact; bringing stones in baskets, heaping up entrenchments in the form of little hills, so as at once to protect the besiegers like trenches, and at the same time to command or reach the besieged ramparts. The height of these artificial hillocks must have been considerable, since the scaling ladders, employed for carrying the place by storm, occasionally do not reach above half-way to their top. From the top of these, other ladders are again raised, to enable the besieging force to reach the battlements. The missiles employed, on both sides, for the purpose of clearing the ramparts or the ladders, of the besiegers or besieged, are arrows and javelins; but the besieged also pour down heavy stones on the heads of the besiegers, and the besiegers, when coming into close fight, lock their shields together like the Roman tortoise, and employ the sword. All the fortifications resemble all those which existed up to the time of the invention of gunpowder, having long ranges of crenated battlements, with loop-holes for the discharge of arrows, and surmounted with crenated turrets. The only characteristic distinction in their masonry, which is, however, decidedly different from the Egyptian, is, that the courses of stone, instead of being laid horizontally, are placed vertically. To say, however, that in the instances where the distinction appears, mere

timber fortifications may be intended to be represented. The fortification (Liv. II. p. 22) is an Acropolis, on the top of a hill, having the advantage of a river or stream running near its base. The sculptured narrative of the result of the attack of the Egyptian victors, thus so accurately described, is equally accurate in all its other details, including the various formations of the field of battle, the manœuvres employed by both parties, whether infantry or cavalry, and the issue of the day to both parties. Had we the advantage of sculptured bulletins like this, we should not have to doubt now of the means by which the battles of Issus or Pharsalia were won, or have so many dissentient and vague accounts of what produced the final rout at Waterloo. The numbers of the dead, either on the side of the victors or the vanquished, are distinctly enumerated—the modes of death by which distinguished individuals perished, on either side, are clearly ascertained—the numbers of the enemy made prisoners are also clearly expressed—the different tribes and nations to which they belonged—the names of the kings and chiefs made prisoners, as well as their portraits and their costume are preserved—and the numbers of those reserved for captivity, and those devoted to death or mutilation, are all detailed with arithmetical accuracy. The Egyptians had one true mode of indicating the number of the vanquished, viz., by cutting off their right hands. In the Rameseum the victor is seated on the front of his car, which occasionally serves as a military throne, as a witness of the sanguinary record; and the symbols of the number, 14,000, appear above the heaps of hands which are piled in formidable tribute at his feet. Three functionaries seem to have been especially employed in the Egyptian army, for this purpose; one, the minister of justice, who was invested with a sword of a peculiar form for the execution of his cruel office; secondly, the herald, who proclaimed the result to the whole army, by sound of trumpet, amidst the acclamations of the chiefs, who raise their hands, like the Romans, in the act of invoking the victor general by the title of *imperator*; and third, the recorder or scribe—it may be one of the order of sacred scribes (*Hierogrammatici*)—who writes down the number specified on the official tablets. We have, hitherto, as the reader will perceive, been giving a general descrip-

tion of the state of the art of war under the Pharaohs of the eighteenth dynasty, from Champollion's work now under review, corroborated by other illustrations. It is now our province to give a more particular explanation of the battles, sieges, and military manœuvres, as supplied by the illustrations to which the hitherto published livraisons of Champollion are confined. They are contained in the second and last livraison. We have informed our readers that there is no letter-press descriptions of them, but some meagre and provisional notices, on which little reliance can be placed,—and we shall, therefore, supply the void by a brief explanation, to which we must trust to our own sources of information. A few prefatory words will be requisite, to render the particular subject of these illustrations intelligible.

On the great plain of Thebes, intersected transversely from north to south by the Nile, and bounded, on the west, by the Lybian rocks; on the east, by the Arabian chain, still remain the magnificent relics of the four quarters of hundred-gated Thebes; the populous No-Ammon of scripture—the “*πλείστα δομοίς*” of Homer; to the north-east is Karnac, to the south-east Louqsor; to the north-west, are the Memnonium, and the Thothmoseium; to the south-east, the palace of Medinet Abu. On these magnificent monuments the warlike exploits of various kings of the eighteenth dynasty are represented. Karnac preserves the exploits of the different monarchs, who at different times contributed to its structure, from those of Thothmos the First to Shishak, including those of Sesostris. The remnants of the Amnophium, near the two colossal figures of Memnon, prove that his exploits are there recorded. At the Ramesseium and the palace of Medinet Abu, the warlike expeditions and triumphs of Rameses-Me-Amon are immortalised. But the whole of the northern portions of Louqsor, including the great Propylon, and the first courts, are exclusively devoted to a sculptured narrative of the great warlike expeditions of Sesostris, by whom those portions of the fabric were exclusively built. Exact copies of this sculptured narrative, as if to corroborate its proof, are to be found elsewhere. They are to be found, in a more limited form, on the walls of the great temple and palace of Karnac, to which that monarch made

additions, like his predecessors and some of his successors. They are also to be found at Ipsambul, and to these the present work is confined.

The object of Champollion's illustrations, and which remain to be completed, is to furnish all the illustrations requisite for imparting a correct idea of the campaigns of Sesostris ; and it was with a view to this unity of object, doubtless, that the commission employed in the selection of his papers have very properly commenced the publication, with coloured portraits of himself and his wives, and with fac-similes of his costume, accoutrements, arms, chariots, and entire military equipage. Much remains to be supplied, in order to complete this object ; but we think it fair to presume that, by this reasonable purpose, the commission were guided in their selection. The warlike illustrations which follow, entirely consist, as far as they go, of copies of the great campaigns of Sesostris at Ipsambul, drawn from the originals on the propyla and porticoes of Louqsor. These few explanatory words being premised, we may now add something on the subject of the especial narrative conveyed by the illustrations in question. We are entitled to be brief in doing so, partly, because the portion thus brought before the public of the extensive campaigns of Sesostris, is very limited, as far as the publication of these livraisons go ; and, partly, because Champollion has supplied a good explanation of the subject matter of these illustrations in his *Lettres écrites*, to which we may generally refer the curious, or interested reader. In order to obtain a clear understanding of the particulars of the battles and campaigns, thus sculptured and recorded, we recommend him to have the volume of the *Lettres écrites* by him, while he examines the illustrations. It would be merely loading our pages with copies of Champollion's descriptions, were we to comprehend a detailed interpretation of these sculptured bulletins of Sesostris in this article. We only reserve to ourselves the right of making a few observations, in addition to our preceding general remarks on the state of the Art of war under the 18th Theban dynasty ; and that for the purpose of striking out and preserving any new lights which may be thus thrown on the vast and extensive campaign of Sesostris, to which we referred in our last number. The great historical doubts connected with that campaign are, as we have said,

completely cleared up by it; but there are some of a minor description, which still remain to be cleared up. Of some of the nations against whom he made war, we know little or nothing.

The Negroes, the Bactrians, the Jews, the tattooed Hyperboreans, are easily recognised among the national types of conquered nations. The Moschus, whom we suppose to be the ancient Moscovites, and always combined with the Scythians, are always distinguishable by their girdles and striped tunic, by their beards, hair, and profile, resembling the Russians of the present day. But the chief doubt is who were the Pourasata. Were they an Indian nation, as Champollion supposes? Extraordinary qualifications distinguish them. The people seem to combine two tribes, or nations, united by alliance, or by affinity, but different in costume. Both were unquestionably in a high state of civilisation; we suspect, in a higher state of civilisation than the cotemporary Egyptians, who attacked them. Their chiefs and soldiers are often accoutred with hauberks, resembling the Norman, with iron skull-caps, decorated with horns like the Saxons, a sword at the girdle, a weighty round shield, and a strong and well-shaped spear. But the costume of the nobler race among them is quite different from this. They are the finest race of men, decidedly, in physiognomy, in frame, and deportment, of any represented on the monuments—they have noble, elevated, and intelligent physiognomies—they are neatly, and even elegantly formed. Their tunics resemble a fashionable surtout with pockets, a plated cuirass from the shoulders to the waist being superadded to it. But their head-dress is singularly elegant. It somewhat resembles the Bactrian head-dress on the Persepolitan monuments, but it more strikingly resembles that of the Peruvian Incas, consisting of a diadem, surmounted by ostrich feathers, or palm branches, placed circularly, and slightly verging outwards. In fact, they not only resemble in this head-dress, but in costume, and in physiognomy, some of the sculptured forms preserved on the walls of the old temples and palaces in New Spain;—ascribed by some writers to the Tultecans, who preceded the Mexicans six hundred years; but by the native Indians, to the Giants, or wandering Masons, a well known designation of the expelled

Cyclopean, or shepherd family. It is still more singular, that the monuments, on which these sculptures appear, or connected with them, resemble the unvarying characteristics of those which are called Cyclopean, and many may doubtless be ascribed to them without exaggeration. Some of the pyramids erected by them are larger in base than those of Egypt, and composed of equally permanent materials. Their rock-hewn treasuries resemble in every respect the Cyclopean fabric called the treasury of Atreus. Their rock-built fortifications resemble similar Cyclopean structures at Tyrins, and elsewhere, and their subterranean sepulchres are approached by similar descending galleries, and distributed into similar sepulchral rooms. Their palaces are characterised by galleries constructed with the well known Cyclopean arch, consisting of receding courses of stone in a triangular form. In one of these monuments, viz., the Flower temple of Oaxata, appear individuals precisely like those called the Pourasata, conquered by Sesostris, in physiognomy, head-dress, and costume. Were these the same people? were the Pourasata a branch of the shepherd race? was there any affinity between them and the aboriginal American Indians? We do not affirm it, because the mode of reaching America, either aboriginally, or contemporaneously with Sesostris, would still be unaccounted for. But another remarkable fact should be added, which gives additional reason for the inference, though it does not prove it. These men are red, and beardless; ever the well known characteristics of the American Indians. Were they then East Indians, as Champollion supposes, and was America originally peopled, as many learned men have argued, from the East Indies, and from the adjacent Indian isles? If, then, the Tultecans, or whatever nation built the monuments ascribed to them, came from the south of Asia; it is quite certain that the Astecks, or Mexicans, came from the north of Asia, and, conquering them, occupied their place; their passage across Bhering's Straits is no great geographical difficulty. The Pourasata of the monuments were unquestionably a maritime people. The sea fight, betwixt their fleet and the navy of Sesostris, is represented on the propylon of Louqsor, and in the speos to which we are now referring; they are represented, in this instance, as defeated, as driven to their ships with great slaughter, and;



as flying in routed haste from the shore, where the battle takes place. We leave the problem of the connection of the Pourasata with the American Indians to learned leisure. There are other modes of accounting for the collision which we have assigned, if we were inclined to indulge a conjectural and not improbable speculation. The Carthaginians were naval neighbours of Egypt. Their mother state\*, Tyre, made three-year voyages to a place called Ophir. The Carthaginians are recorded to have made the circumnavigation of Africa, and to have doubled the Cape of Good Hope. The Egyptians were perfectly aware of an Atlantic island, the approach to which was lost, or which, in their symbolic language, was drowned. Did the Tyrians and Carthaginians really trade there? It is difficult to account for a number of Asiatic and African coincidences on the monuments of New Spain without giving credence to some such supposition.

The obliteration of the Carthaginian nation was not only complete but singular, considering their maritime power. Did some of them escape in their ships from the persecuting hatred of Rome to that colony, the existence of which, it is a fact recorded by history, they kept as a state secret, not to be revealed under pain of death? But we leave the suggestion to the learned, and return in order that we may briefly conclude by referring to a few leading points of interest, in the battle scenes of Sesostris, as produced by Champollion. His illustrations hitherto published, only exhibit a portion of the wars of the great Conqueror with the Scheti (Scythians), the nation who are called in the inscriptions the plague spot of the earth. The enemy exhibited in these plates are the Scheti, with their allies the Robou or Robourim. The army of this people is, like that of the Egyptians, composed of infantry and chariots. From the numerical inscriptions attached to different divisions of their army, it appears to be quite equal to the Egyptian in numerical force. They appear to be also well matched with them, in point of military discipline, although the organisation of their army was different, and the

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\* The Tultecans had a tradition that they came with Votan from the sea-coasts of Syria, in the neighbourhood of Tyre; and, moreover, preserved many traditions which exhibit a clear reminiscence of the peculiar topography and local characteristics of Egypt.

struggle between the two forces was evidently of a fierce and protracted description. Like the Egyptian, their army is composed of infantry and chariots, but it exhibits this distinction—horsemen, or regular cavalry, which are never seen in the Egyptian army till the time of Shishak, who had 60,000 cavalry in his attack upon Syria and Jerusalem, are occasionally seen among these people; and the headlong flight of some of these horsemen and horses constitute some of the most spirited effects of these extraordinary battle pieces. The animals appear to fly, and in their flight to exhibit all the characteristics of terror and bewilderment, while their riders, looking back in similar trepidation and astonishment, are transfixed by the arrows of the pursuing Pharaoh and his archers. There are other distinctions: their cars are of a less elegant form, and instead of two warriors, like the Egyptians, they are always manned by three; one of whom acts as driver, and is protected by the large shields of one of his warlike companions. Their horses are frequently distinguished by being invested in a kind of plated mail, like those of the Norman knights. Their military costume is also different from the Egyptian; projecting and acutely-pointed beards and locks of long black hair, descending on either side from the temples, distinguished them from the moustached, bald, and beardless troops of the Egyptian cavalry. Their arms do not differ much from the Egyptian: they carry strong pikes, shields, and swords; but the shields are ample, square, and convex, and the swords differ from the Egyptian sabre form, and approach the shape of the Roman pugio, *viz.*, a two-edged and acutely-pointed long dagger. They sometimes wear body armour, but generally not, and their close-fitting skull-cap helmet is distinguished by a crest of two lotus-tipped tassels, to which we have before referred. Champolion's illustrations are limited to a small part of the campaign, and that not the most interesting; but to that we are bound to confine ourselves, in the few brief remarks with which we shall conclude. The portion of the campaign illustrated, is that in which the enemy having been defeated in a pitched battle, on an open plain, intersected by a river, Sesostris is pursuing them in complete rout, to their fortifications, horse, foot, and chariots mingled together in pêle-mêle confusion, to their

fortified city. That city is built like an Acropolis, upon an eminence, and one of the masterly effects of the sculptor's hand is the representation of the chariot horses of Sesostris straining up the sides of the acclivity, and exhibiting the natural play of muscle, produced by that action, while in pursuit of the enemy. The Egyptian infantry, in well disciplined and double column, are advancing *au pas de charge* for the purpose of carrying the heights, bearing their spears at a protruded angle, as modern troops do the bayonet, previous to the deathful close. The archers, and other portions of the army, are in the act of turning the enemy on the other side of the town, so as to cut off their retreat, and take them at once, in front, flank, and rear. Nothing can more clearly prove the allegation of the historian, that Sesostris brought the art of war to high perfection, than these series of manœuvres.

The river, which crosses the plain, surrounds the Acropolis of the fortified city, on all sides; but on one side is low and fordable. Every battlement, rampart, and turret of the city is thronged with "fierce faces, threatening war," and warriors with their shields locked together, awaiting the storming assault of the victor. The battle is protracted along the banks of the river, which is choaked with thronging chariots, plunging steeds, the dying, and the dead. Across this river, Sesostris, in person, in advance of the army and the body-guard, is driving the routed enemy. Such is the picture of the battle, as far as Champollion's livraisons go, and we have sketched it for the especial purpose of drawing an inference, with which we shall conclude. We can scarcely doubt, that during the description, the classical reader has been struck with the striking resemblance which it bears to the great final battle of the Iliad. Mr. Hamilton, an eye-witness of these details, on the spot itself, could not avoid drawing the same conclusion.

He says, speaking of the same sculptures which cover the eastern wing of the Propylon, at Louqsor, "it was impossible to view and reflect on a picture so copious and detailed, without fancying that I here saw the original of many of Homer's battles (the single combat of Hector and Achilles; the battle at the Scamander, and the walls of Troy); the portraiture of some of the principal narratives of Herodotus, and some

And the principal ground-works of the description of Diomedes." There are many more points of conformity than those which were noticed by Mr. Hamilton; and we doubt not, while passing them in review, that Homer (whose visit to Phœbus is rendered quite certain not only by his description of it in the *Iliad*; to which we have referred, but by two other references which he makes to it in the *Odyssey*) borrowed his details of some of his most striking scenes on the plains of Troy, from these most extraordinary battle pieces. In the foregoing description, the splendid passage in Homer describing Achilles driving the Trojans, in confusion, into the river Xanthus, will scarcely escape the recollection of our readers, even in the inferior form of Pope's spirited, but inaccurate translation,

"So plunged in Xanthus by Achilles' force,

Roars the resounding surge with man and horse," &c.

The other points of conformity are striking and numerous. The final battle between Sesostris and the hero chief of the hostile nation, before the walls of his city, bears close affinity to the last conflict between Achilles and Hector. He is represented in the act of being pierced in the thorax by the javelin of Sesostris, when attempting flight, and his limbs relaxing under him in the agonies of death. We are recording now only the portion of the battle described by Champollion; but there are accessaries to the description on the walls of the great propylon at Louqsor, approaching still nearer to the details of the last battle of the *Iliad*, and which, we presume, remain to be produced in subsequent livraisons. Achilles dragged the body of Hector, after fastening it with cords to the back of his car, round the walls of Troy. Sesostris treats the chief of Scheti in the same manner. He is represented bound to the back of the car, which is empty, awaiting the ascent of the victor—his horses being scarcely restrained from rushing forward to execute the outrage, while his two attendants stand at their heads.

The exquisite knowledge of anatomy exhibited by Homer in the various wounds which he imparts, and the various forms of death which he describes, has been dwelt on with enthusiastic repetition by Dacier, Scarron, Pope, and other commentators. But in these Egyptian battle-pieces the same wounds and the same deaths are detailed with equal accuracy, and in as

profuse a variety ; a circumstance, indeed, which may be readily inferred from Egypt's attested knowledge of medicine and chemistry, but more especially from its demonstrated knowledge of anatomy. In one case, the driver of a chariot, struck by a javelin, falls headlong from his car, exactly in the manner which prompts the scoffing ridicule of Diomed, in Homer ; but we might weary attention with these coincidences : there are two more which are remarkable, and have not yet been noticed. Minerva is represented by Homer, sometimes in the form of a cormorant, sometimes in that of a vulture, watching the progress of the battle. In one case, she gives Achilles the advantage over Hector, by restoring his discharged javelin to his hand. In these battles, Minerva in the form of a vulture (the origin, probably, of the eagle superstitiously supposed to hover over the Roman conqueror) hovers over the head of Sesostris, sometimes bearing his halberd-formed spear, at others, the royal standard of the palm branch. But another instance of supernatural machinery, as in Homer's battles, is depicted in the battle piece on the walls of the propylon of Louqsor. The phoenix appears to Sesostris in the midst of the thronging rage of the battle. It is not represented on this occasion as a crowned bird, like an eagle, or vulture, having wings of scarlet and gold, and invested throughout its brilliant plumage with the four sacred colours (the same as those employed by Moses in the tabernacle, and by the Brahmins of the present day), but as a divine winged youth, such as the poets and Platonists have interpreted it to mean—the incarnation of a great period, or sacred year ; but his wings are invested with the sacred colours to which we have referred. It is perfectly well known that the phoenix was the emblem of a period ended and revived ; by some it has been presumed to represent the canicular cycle ; by others it has been inferred to be a symbol of some periodical return of a comet ; at all events, its period was a cycle of five hundred years. We have stated the demonstrated era of Moeris, who preceded Sesostris by seven generations, to comprehend one hundred and thirty-nine years, to be July the 20th, B. C. 1325. We have already stated on other grounds the era of Sesostris to be almost demonstrable as B. C. 1189. Now the suggestion connected with this figure of the phoenix, in this battle-piece of Sesostris, is this—was it

the symbol of a comet, having a period of about five hundred years? One historical authority, says, that the phoenix first appeared in Egypt fourteen years before the accession of Sesostris, and in his days. Another confirms it by saying, that it was first seen in the age of Sesostris. The phoenix, therefore, appearing to Sesostris in his battle with the Scheti, clearly confirms this historical tradition. If it was the symbol of a comet, its period, in round numbers, was five hundred years. Was it, therefore, Whiston's great comet of 1680, whose period is five hundred and seventy-five years. All learned men knew the theory of Whiston and Burnet;—that this comet has been the great agent in all the revolutions of this globe, and is to be the great agent in its future revolutions. Its period, with tolerable precision, brings it to the Hebrew date of the creation—to the Hebrew date of the flood—and to the appearance of the great star which designated the death of Julius Cæsar, and preceded the birth of the Messiah.

Calculating retrospectively, its alleged period will bring it, with tolerable accuracy, to the time when a comet appeared to Cyrus in his march upon Sardis; and one more revolution calculated retrospectively, will bring it very nearly to the era of Sesostris; 1194. If this be so, then the period of this battle with the Scheti may, with very little trouble, be fixed. The inscriptions which accompany these battle pieces, and which will doubtless be produced by Champollion's succeeding livraisons, state the month, and day of the month, when the event, with which they are associated, occurred; but the Egyptian chronologers had no other means, or did not publicly employ them, of recording the general lapse of the earth's time, except by reckoning the years of the successive kings; and it was in the fifth year of the reign of Sesostris when this campaign occurred.

We have now concluded the subject as far as the illustrations of Champollion's great work on Egypt extend. We presume that the line of publication, chalked out in this instance, will be preserved,—that portraits of all the Egyptian sovereigns of the 18th dynasty, after the reign and acts of Sesostris have been rendered complete by illustration, will be given; and that each will be followed by all that is interesting in the personnel of his court, or the materiel of his army; in his pacific actions,

or in his belligerent exploits. We wait with much anxiety and curiosity for the succeeding livraisons of this important work. At no time could they appear more opportunely than at the present. Knowledge of every kind is indeed devoured with delightful eagerness. But no information can be more useful, or is at this moment more required, than historical narration, which unites the period of our classical recollections with distant times, and exhibits one course of consistent Providence ruling through all ages.

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#### ARTICLE VI.

*Minutes of Evidence taken before a Select Committee of the House of Commons, respecting Dramatic Entertainments. 1832.*

*The Drama Vindicated; with copious Notes.* By JOHN DENMAN, Esq., S. C. L. Cambridge: 1835.

THE laws affecting Dramatic Literature were never, perhaps, so *comprehensively* misunderstood as at the present period; to use a happy phrase of the late Sir James Mackintosh, they are, indeed, "flourishing in the full vigour of their incapacity." Notwithstanding that the Commons House of Parliament, in its anxiety for the wise nourishment and advancement of the intellectual amusements of the people, appointed, in June 1832, Mr. E. L. Bulwer, Sir Charles Wetherell, Mr. Alderman Waithman, together with twenty-one other noblemen and gentlemen of various talents and acquirements, to inquire into the subject, to "call for persons, papers, and records," and to report thereon; and, notwithstanding that this Committee put 4197 questions within the space of "one little month" to nearly forty managers, actors, critics, and authors, and made their report, nothing has been done by the Legislature to effect an amelioration of laws confessedly acknowledged by all parties to be widely and effectively *mis-understood*. A Bill, apparently framed upon the report, was prepared and brought into the House of Lords by the Marquis of Clanricarde; and though it flirted with reform, it acquired no favour in men's eyes, attached itself to no worthy object, and, on the 27th of June, 1834, died a natural death in that condemned cell for measures of Reform, the

**House of Lords.** Its aim seems to have been to regulate the mode of licensing new theatres; to define, confirm, and extend the prohibitory powers of the Lord Chamberlain; to recognise the office of Censor, and in a schedule to regulate his hitherto mystical fees. It is high time, we think, that the just rights and useful influences of the Drama should be regarded and advocated by those who have the improvement of the manners and morals of the people at heart; and those Members of the legislature who are in the sessionary habit of striving to over-starch the Sunday pastimes and pursuits of the people, and of toiling like labourers over the conflicting interests of railways and bullock markets, will not be employing themselves less profitably, wisely, or humanely, in strenuously applying their exertions towards clearing away the briars of useless restriction, and removing all acknowledged abuses from that best source of national amusement, our Dramatic Literature.

It is our intention, as far as our limits will permit us, to give a short exposition of the dramatic laws as they at present stand. To show the distortions, extortions, and errors which have crept into the interpretation and execution of the statutes; and to throw out some hints for the amendment of these statutes, which, if the serious attention of Parliament be called to the subject, will, we trust, be found serviceable in the constructing of any future bill. But before we thus proceed, we cannot refuse to ourselves and to our readers the pleasure of turning briefly to the minutes of evidence, and to the report very properly *preceding* them (as it clearly is not consequent upon the mass of questions and replies) which were presented to the House by its ingenious Committee. One thing we much regret, and we think the omission might well be rectified in reports made to the House in general, *viz.*, that the name of each inquirer was not prefixed to the question put by him to the witnesses; as we confess we should, as the Irishman said, be desirous of knowing the gentleman who could have the hardihood to identify himself with a few of the interrogatories. How the report, too, could have been determined upon and drawn up, it is difficult to conjecture, unless we may conclude that a disinterested mind, out of the committee, being carefully and utterly preserved from the darkness of the evidence, had been employed upon it with all its unprejudiced ignorance.



We can hardly better commence our notice of the evidence than by extracting the following loose query and prejudiced reply.

"But before a play is accepted, must it not, generally speaking, go through the ordeal of the approbation of the leading actor or actors of the theatre?—No. Sometimes we find, on reading the play over, that they will not act their parts; but in reply to that question, I beg to state, that after a play has been read in the green-room, I have seen the performers delighted with their parts, and I have seen that go on till the day of the night of representation; and then I was more nervous than when every one of them hated it,—because three times out of four, when they are delighted with their parts, the play does not succeed; and I have seen, when they were of a contrary opinion, it has succeeded. You see this is what the theatres are subject to."—(p. 113.)

From judges so proverbially loose in their "summings up" as these respondents are (if respondents can at any time be called judges), have the selected legislators sought for that information regarding the drama, upon which they have suggested to the House the cause of the decay of dramatic literature, and plans for its future renovation. We find accordingly, minuted down in this bulky report, with short-hand precision, Mr. Kean's remarks on the excellence of large theatres, and the extremely favourable seats in the one shilling gallery; and we have Mr. Dowton lauding small houses to the gods, and requiring those gods not to be out of hearing or of sight. We have Mr. Laporte (the then embryo lessee-victim of Covent Garden theatre) speaking against the German and the Italian opera! and Mr. T. P. Cooke, all for *Black-Eyed Susan*, a clear stage, and plenty of favour. We have Mr. Bartley simply denying that he has a share in any theatre; and Mr. Braham, with an intense gratitude, like Byron's favourite "*Hate*," "known only on the stage!"—thanking God\* that he is not the proprietor of any house-of-call for the drama. We have too Mr. Charles Kemble standing up lustily for patent rights, which he does not, because he cannot, explain. And Mr. Mathews gives an imitation of John Kemble, which must of course be full of agreeable instruction to the minds of the Wetherells and the Waithmans at the green table, panting for the diffusion of useful theatrical knowledge. The following questions and answers,

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\* The King has been pleased to grant a licence to Mr. Braham; and with a courtly submission, the latter has built a theatre, and revoked his gratitude.

as to what constitutes the Legitimate Drama, will give the reader a fair notion of the collective wisdom to be found in the evidence:—

“ MR. JAMES WINSTON.

“ What do you consider is meant by the regular drama?—The regular drama I consider to be tragedy and comedy, and everything on the stage.”

“ Can you state what you consider to be not the regular drama?—I do not know—that is a very difficult thing to ascertain:—if they can play every thing, every thing is the regular drama.”—(p. 20.)

“ MR. T. P. COLLIER.

“ You think the wish of the public is for the legitimate and regular drama, then?—I think it is,—at the same time, that depends entirely on what you mean by legitimate and regular drama. I call the regular drama, any drama which has good dialogue, good characters, and good morals; I make the word ‘legitimate,’ as applied to the drama, depend on the nature of the plot, characters, and dialogue.”

“ You do not think a harlequinade is part of the legitimate drama?—I think not, though it may be presented at a legitimate theatre; but when I speak of legitimate drama, I do not mean legitimate in point of antiquity, for then the grossest absurdities may be brought in. I do not think legitimate drama depends on any number of acts.”—(p. 28.)

“ MR. DUNN.

“ Are all your representations at Drury Lane confined to what you conceive to be the legitimate drama?—No; we perform farce and spectacle, and pantomime.”—(p. 73.)

“ MR. MORRIS.

“ By the regular drama, you mean tragedy and comedy, in five acts?—Yes.” (p. 138.)

“ MR. JERROLD.

“ How do you describe the legitimate drama?—I describe the legitimate drama to be where the interest of the piece is mental; where the situation of the piece is rather mental than physical. A melo-drama is a piece with what are called a great many telling situations; I would call that a melo-drama; I would not call a piece like the Hunchback a melo-drama, because the interest of the piece is of a mental order.”

“ A piece rather addressed to the ear than to the eye?—Certainly.”—(p. 158.)

“ MR. POOLE.

“ Do you consider that it is possible to give any definition of the regular drama, which shall be exactly binding in law?—No; except by negative. I could tell you what the regular drama is not; but it would be very difficult to define it positively.”

“ Did you ever see it defined?—I never did.”

“ It would be very difficult to give that definition to the regular drama which should be legally binding?—No; it would not be difficult if you were to take up the point now, to say what should be the legitimate drama; but it is a hard thing to say what is legitimate drama at present.”

“ How would you define it?—I would say that comedy and tragedy, without any musical accompaniment, would be regular drama.”—(p. 193.)

" Mr. PEASE.

" Why have you not attempted the regular drama more?—From the great difficulty."

" What is the difficulty that you refer to?—I think the making of a five act comedy a very difficult achievement."—(p. 102.)

" Mr. MACREADY.

" How would you define the legitimate drama?—I know no other way than by taking what has been considered as the rule hitherto—by appropriating the five act plays as belonging to the large theatres."—(p. 134.)

" Mr. BRAHAM.

" You are not the proprietor of any theatre?—Thank God! I am not."—(p. 92.)

The great and hopeless anxiety of the committee to understand what was really meant by the legitimate drama, is sufficiently apparent. It is the burden of their song. It breaks out upon poor Mr. Mash, the comptroller of His Majesty's household,—and upon Mr. Beazley, the architect of plays and playhouses;—it puzzles Mr. Poole, the author, and astounds Mr. Dunn, the treasurer;—Mr. Macready labours severely under it,—and even Captain Forbes, of the Royal Navy, and of Covent Garden Theatre, is not allowed to steer out of its soundings. It is the starling of this Hotspur-Committee to every poor prisoned witness, " and in his ear bellows out " nothing " but legitimate drama ! The other topics touched upon by the committee are the sizes of the theatres—the success of the Mysore lions—the prices of farces and melodramas—the receipts of the treasuries—the value of the Hamshack—vested rights—Colman's John Bull—Mr. Mash's annuity—the master of the revels—and Mr. Lowdham's bills of costs. The following are a few of the pretty shells picked up by us on this great shore of Dramatic truth. They may not preserve all their original brightness, by being taken from the particular spot in which they glistened ; but still—

" Pleased they remember their august abodes,

" And murmur, as the ocean murmurs there !"

" To Mr. ARNOLD.

" Suppose Shakspeare was alive at this moment, and went to see Hamlet, or Julius Cæsar, or Coriolanus, acted at the Haymarket, or at Drury Lane, or Covent Garden, which do you think Shakspeare would prefer?—Drury Lane or Covent Garden, no doubt."—(p. 57.)

" To Mr. COLMAN.

" Do you suppose that those plays of your's (which were so pleasing to the public, and are still acted with great success, from which you have not the possi-

of erasing those small oaths) have done much mischief to the morals of the stage. They have certainly done no good, and I am sorry I inserted the oaths. As a moral man, one gets a little wiser, as one goes on, and I should be very happy to relieve my mind from the recollection of having written those oaths."

"Do you mean to say you regret being the author of 'John Bull'?—No, that is a different thing. I might not be sorry to have made a good pudding, but if there are any bad plums in it, I should be glad to have them out."—(p. 60.)

"To Mr. DUNN.

"Did the lions draw money?—*The lions certainly paid their expenses!*"—(p. 75.)

"To Mr. BARTLEY.

"One has very often heard expressions, commonly called oaths, such as *damn it!* I suppose they were not sanctioned by the licenser?—Certainly not."—(p. 180.)

"To Mr. MORTON.

"Do you happen to know how old Mrs. Siddons was when she died?—I do not."—(p. 221.)

"To Mr. COLLIER.

"You think, upon the whole, the licensing system, so far as it goes, is advantageous?—Yes, and I think, taken as a whole, from 1737 to the present time, it has been fairly exercised."—(p. 30.)

"To CAPTAIN FORMES.

"It does not come under the denomination of a house of ill fame?—It does not, and if it had any such appellation attached to it, it would have been removed."

"Are neither of the proprietors of the large theatres owners of houses of that description?—I do not know. In Covent Garden theatre we are not; we are as ready to answer to our characters as any men."—(p. 115.)

"To Mr. MORTON.

"Do you think, generally, the censorship of the licenser is any obstacle to the *advancement* of the stage?—I think it is highly essential to the well-being of the stage, that such an officer should be appointed."—(p. 146),

"To Mr. JERROLD.

"Do you know any instance?—Yes—one at Drury Lane. I had a piece, called the 'Bride of Ludgate,' in which Charles the Second figured as the hero, and he was disguised as a priest, come to marry a young couple. Mr. Colman said he thought, in the present situation of the bishops, he ought not to come as a priest, but I must make him a proctor. I sacrificed the worth of something, which was perhaps very worthless—but I was obliged to submit to that alteration, which I thought very capricious and absurd."—(p. 161.)

But enough! These confused witnesses—these dramatic dark lanterns—are constrained to try to illumine any object or spot to which they are turned by their conductors—the new police of the theatres. Mrs. Brulgruddery (in the Censor's "pleasant but wrong" comedy of *John Bull*), when her husband returns from a visit to the Big House, if we remember rightly, immediately and anxiously inquires "what they asked him?" Dennis could not be more mysterious in his reply, than would

be any given witness to his own Mrs. Bralgruddery, on his return from his visit to Mr. Bulwer's "Big House."

The Report, which, compared with the evidence, is something like Falstaff's half-penny worth of bread to the immeasurable allowance of sack, is contained in three widely printed pages. It is very positive, although, as we have said, it puzzles us exceedingly, to imagine how the gentlemen of the committee could keep the natural ruby of their cheeks, and be so *very* unanimous! We are irresistibly reminded of the scene in the "Critic," in which strong resolutions are as suddenly and divertingly determined upon. And we are as irresistibly impelled to call our reader's attention to it.

"LEICESTER. There spoke old England's genius!

"Then, are we all resolved?

"*All.* We are; all resolved!

"LEICESTER. To conquer—or be free?

"*All.* To conquer—or be free!

"LEICESTER. All?

"*All.* All!

"DANGLE. *Nem. Con.*—Egad!

"PUFF. Oh yes—when they *do* agree upon the stage, their unanimity is wonderful!"

It is quite clear, from the effect upon the committee, that the stage is your only Mr. Harmony.

This luminous report, composed in the first style of the "Last Days of Pompeii," after finding a considerable decline, both in the literature of the stage, and the taste of the public for theatrical performances, to be generally admitted; attributes such decline to the late dinners, the royal absences, and the religious sects. It then recommends the Lord Chamberlain being made Lord Chief Justice of the Drama's King's Bench, with absolute power, to the extent of twenty miles round London, and with no other judges to sit *in Banco*. And, as the committee admit an inability to define, by clear and legal distinctions, what constitutes the legitimate drama, they recommend that all licensed theatres should be permitted to play *it*. The committee also state that they believe the number of theatres licensed, although they might be better placed, are sufficient for the public service; but they think that if any parish wants a new playhouse, the Chamberlain should be bound to license *one* at the requisition of the majority of the parishioners. At the same time the reporters are of opinion that the great

lord-licenser should have the discretionary power of putting an instantaneous extinguisher, if necessary, upon the candle he was compelled to light. They also recommend that he should be authorised to put out any other lamp, mould, or rushlight, which he has not himself ignited. The Censorship (the greatest abuse encrusting the drama) is supported with an abatement of fees. The two great theatres, with an acknowledgment of vested rights, are pitied and put aside. The case of authors is favourably considered, and indeed, through the strenuous exertions of some of the sufferers and their patrons, justice has, since the date of this report, been "by wearisome petition and slow leave" ceded to them. The report then winds up with a flourish of trumpets, the exception, however, being, that it is "exit," instead of "enter Tom Thumb!"

But to quit this tinsel court of inquisition, let us come to that which has been the main object of our present article, *viz.* the state of the dramatic law as it at present, in all its deformity, exists, and to the amendments which we conscientiously think might safely be grafted upon it. The Act of the 10th of George II., c. 28, is the first Act to which we need refer, as in it the powers of the Chamberlain are first recognised. He is thereby enabled to license theatres in Westminster, or in such places as are honoured by His Majesty's residence. Penalties are consequent upon actors performing without the king's letters patent, or the chamberlain's licence. A prohibitory power (and we entreat our reader's attention to this provision of the Act), *a prohibitory power* is given to the Lord Chamberlain by this Act over all theatrical performances; and fourteen days, at least, before a piece is played, it is enjoined that such piece shall be submitted to the Lord Chamberlain—no licenser, no fee, is hinted at. There is an Act, 25 George II., c. 36, giving to the magistrates permission to grant licences for music and dancing only—and it is under this Act that the Victoria theatre, the Surrey theatre, Sadler's Wells theatre, and other houses in the suburbs, inflict upon the public acts of a more serious nature, *viz.* the acts of the hazily defined legitimate drama. The Act of 28 George III., c. 80, gives to district magistrates a power to grant licences for the drama at any place not within twenty miles of London, for any period not exceeding sixty days. This is a brief summary of the laws in force regarding the drama. It will be seen that out of Westminster, and

within twenty miles of London, the chamberlain's power is a dead letter; he can neither sanction nor prohibit dramatic performances. Under a magistrate's licence, therefore, the opening of a theatre for music and dancing is accomplished; and the establishment as a licensed place of public amusement being effected, it is not very easy to detect or repulse the border and covert attacks made, through music and dancing, upon the debatable land of the legitimate drama. The laws as regard the theatres are comprehensible enough (though weak) provided it were the wish, or the interest of any party, to encourage their object and powers: the practice, however, with respect to the theatres, has been to confound, oppose, and negative them. The two great theatres, as they are termed, have for years rested in haughty dignity upon patent rights, which are not worth a sheet of waste paper. The Minor theatres in Westminster, licensed to perform burlettas, perform the regular drama. The theatres in the suburbs, authorized for the purpose of music and dancing, indulge in Shakspeare and "Poll and my partner Joe." And the Lord Chamberlain himself, who under the Act has the power, and this power *only*, of prohibiting a piece, unless it is sent fourteen days before the performance, and is then found to be fit for the stage, appoints an examiner of plays, who takes an oath and a fee; and, who for the sake of an unauthorised profit, does that by licence which his patron is only empowered to effect by prohibition. On this latter point, the licensing system (a system destined to be equally the subject of abuse in playhouses, as in publichouses), we intend to be more particular; but we must first append to these our observations upon the real state of the laws the suggestions which we promised to throw out for their amendment.—We cannot part with that interesting object, the licenser, very easily; but as the office has, for several years afforded a sort of Punch performance—and as we are enabled to illustrate the movements of the amusing puppet by some of his own "properties," we shall dismiss what further we have to say on the subject of the dramatic law, before we come "to the foolish and fading" officer with whom we shall conclude our present entertainment.

Complete reformation was never, like love, "ripe, and at once consummate in the bud." Improvements, we are aware, to be valuable, must go step by step, and gather the low fruits of experience in their progress. Coleridge has beau-

truly and wisely said, "To most men experience is like the "stern-lights of a ship, which illumine only the track it has "passed;" but wise reform makes Experience bring her lights to the bow, "and marshal us the way that we are going." If we dared to leap to the state in which we should wish to be, we would at once cancel every statute which encumbers the drama with help, and would leave, with utter confidence, the good governance of Theatres, the orderly proprieties of Actors, and the sensible decencies of stage literature, to that wisest, truest, and safest of licensors—an educated people. This taking of the drama out of its statutory manacles must not, however, at once be expected;—and as we therefore cannot look to have battered and decaying acts pulled down without having a new law edifice erected in their place, we will not speculate upon the way in which the vacant ground might be cultivated, and how rich a harvest might be got in, but will send in outlines of a plan for the new building, having regard to its compactness, simplicity, and usefulness, in preference to its antiquated dignity and oppressive magnitude.

The necessity of a statutory controul over theatres and dramatic performances, being compulsorily yielded, we would say that the licensing of, or rather the prohibition against, theatres, should be confided to the Lord Chamberlain (though we could wish that his office were not dependent upon every ministerial fluctuation)—that the size and solidity of buildings for public amusement should be under regulation—that the increase or suppression of such theatres should not be above the influence of the district inhabitants—and that the power of the justices in licensing for music and dancing, be, like most of their convictions, quashed. We would wish to be understood as entertaining the opinion and the desire that the power of the Chamberlain should sympathise with, and be affected by, the requisitions and necessities of the people. If the prohibitory power in the Lord Chamberlain be maintained, there is no reason for the annual renewal of licences, which is but a paltry mode of extorting fees through the "madness of many for the gain of a few." It would, we think, not be well, though it appears that the drama must be driven in a curb, instead of being suffered to go easy in a snaffle (to use one of the metaphors at Astley's), that the performances of the theatres should



be classified and limited. We have already shown how immutable is the opinion as to what constitutes the legitimate drama ; and although in France, where power is tyrannical, instead of wise and merciful, the system of classification works well—yet, in England, litigation, on the subject of infringement, would open its gates, “ on *golden*,” though not on harmonious “ hinges turning ;” and make all managers, like Mrs. Trulliber’s true Christians, not fight with, but take the law of, each other. In short, we are for as little controul on the part of the powers that be (convinced as we are that the moral power is of triple strength over the drama), as can be insisted upon ; and the Lord Chamberlain will do well to remember, that the police is never so potent and influential as when it goes in plain clothes, and, as one of its own body, mingles with, and leads, rather than forces, the well-doing of the public. We perhaps have, in the earlier part of this article, like Hamlet’s mother, “ protested too much,” as to suggestions for the amendment of the dramatic laws—because we find that the main-spring of our movements being liberty and not licence,—and liberty in its enlarged and not vitiated sense—we have but to advocate the generous, simple, and intellectual use of conceded power.

Come we now to the Licensor of dramatic literature, an officer begot by patronage out of laziness,—claiming the rewards of his mal-office from custom, when the powers of his noble master are defined by statute, which, of course, supersedes custom. The following is a copy of the announcement of the present Licensor’s appointment to office :—At the date of this circular from Mr. Mash, the residence of the appointee was “ within the Rules” (as the phrase runs), and he thenceforth appears to have looked with the eye of the *Marshal* at every MS. drama to guard against the Author breaking bounds.

“ Lord Chamberlain’s Office, 9th of February, 1824.”

SIR,—I am commanded by the Lord Chamberlain to acquaint you that George Colman, Esq., of 5, *Melina Place*, is appointed Examiner of Plays, and that all entertainments of the Stage are to be forwarded to that gentleman for the Licence of the Lord Chamberlain, at least fourteen days before they are intended to be performed, according to the Act of the 10th of Geo. II. cap. 28.

“ I am,

“ Sir,

“ Your obedient Servant,

“ T. B. MASH.”

The Licensor of plays is the sole standing abomination of the most degraded days of mingled court and theatrical oppression:—like the one rude gibbet in Yorkshire, it is a record of the barbarism of the period which suggested and tolerated it, rather than a warning against crime, and an aider of morality. It is a libel upon the age to think that the loyalty, the virtue, and decency of the well-informed and rational people of this country, may not be trusted to cast a safe and intelligent censorship over dramatic amusements. It has been most sensibly observed by an acute writer, now dead, “that the world is wiser than any one man in it;” and upon the principle thus expressed, we should say it could not be a question, that the great general licenser would be superior to the individual one.

But if the Licensing system must be continued in force;—if this overpowering blockade of morality and loyalty must be severely maintained;—let us qualify the precious tyranny as well as we may. In the place of one officer, let the command be given to more than one man. In short, let the censorship, as was lately the case with the great seals of the chancellorship, be put in commission—that we may have the best check we can obtain, over the prejudice and obstinacy of any careless, aged, or infatuated individual.

Folly begets folly. The office of licenser of plays being in itself what Mathews in his *Frenchman* used to call “full of ridiculousnesses,” it follows, of course, that the lamentable individual who has to put on the motley, must needs partake of his office, and show nonsense, bigotry, and tyranny, in all their bravery. The Bramins—the dramatic Bramins—the mystic priests of the temple, who sway the processions, and regulate theatrical destinies, are tyrannical and few; but the victims sacrificed under the great moral wheels of the Juggernaut-office of licenser, have been manifold, and cruelly mutilated. The officers have shown themselves through their measures. A Mr. Larpent laid down the chart by which Mr. Colman has steered. A comedy called the “Faro Table,” the production of Tobin, the *compositor*, from every other dramatic poet’s *font*, of the “Honey Moon,” after it had been rehearsed and announced for performance, was understood to be suppressed, on account of the satiric light it threw upon the titled profligacy of

gaming; and, it is well known that Mr. Hook's *farce* of "Killing no Murder," had a very difficult birth, in consequence of a pungent and pleasant satire being reflected through it, upon the errors and rhapsodies of Methodism. In this latter case, the dramatic licenser happened himself to be a Methodist. It is also capable of proof, that a *farce*, after having been some time in rehearsal at Covent Garden Theatre, under the title of the "Two Farmers," was suppressed by the officious and official Mr. Larpent, because it attempted to draw a line between monopoly and honest dealing. This exposure of the wide influences of the drama to individual prejudice and tyranny, existed in the days of our Wesleyan or Whittfieldian Larpent. The petty inroads made upon what George Colman's Dr. Pangloss calls "words, phrases, and grammar," by this same George Colman's black shadow on the stage, in the shape of a licenser, were reserved to be made by the latest holder of the place of lawless law-giver; and are proofs of how much the judgment degenerates in one who dares to uphold a withered and withering custom.

The present licenser has been, like Duncan, so great in his high office, that it seems almost disloyal in us to question his supremacy. He has, however, out-Larmented Larpent; he has been, as Shakspeare says, "at a great feast of languages, and stolen all the scraps."—"Because *he* is virtuous, there must be no more cakes and ale;—Aye, and ginger must be hot in the mouth too!"

It has fallen to our lot to be let into the mystery of the present Licenser's mode of dictating his no-law—and we cannot withhold from our readers a few specimens of his rapacious hunger after decorum and exact loyalty. His moral battery is so heavily charged, that it is dangerous to approach it, as the most innocent person may unconsciously receive a shock, from which he will not find it very easy to recover. "In the present state of the bishops," to use Mr. Jerrold's report of the licenser's nicety, every church word becomes dangerous. Angels therefore, dare not show their wings—Heaven must not be appealed to—Hell is beneath notice. Every word that can, by a prurient turn of the mind, be construed to be improper, is declared to be improper; and to use a nautical phrase, in reply to our dramatic captain, we must respond,

"improper it is, Sir!" Acres and George Colman, have now declared *ex cathedra*, that "damns have had their day," an oath must be allowed upon no occasion whatever, excepting when taken by the licenser on entering office.

We have pages of his protestations against profanity on the English stage,—but we must confine ourselves to a few illustrations. We will commence with the following circular remonstrance, addressed, in 1826, to managers generally.

"CIRCULAR.

"14th November, 1826. Brompton Square.

"SIR,—I am directed by the Lord Chamberlain to remark to you, and other managers of all the theatres under his control, within the city and liberties of Westminster, that upon various occasions besides upon benefit nights, at most of the theatres above mentioned, certain songs, duets, and other productions, have been of late interpolated, and made part of the evening's entertainments, without the licence for such performances which is there required.

"I am also directed to refer you to the Act of Parliament which declares, that, such *unlicensed* performances render you liable to heavy fines, and to the forfeiture of the grant by which you open your theatre.

"I am further instructed to apprise you, that, if the present intimation be disregarded in the aforesaid theatres, it will occasion a recourse to measures which the Lord Chamberlain has hitherto forborne to adopt.

"Finally, I am desired to state, that all, or any part of, vocal music, recitations, and dialogues, which may have been sung, repeated, printed, or have obtained publicity, in other places\*, are still new to the aforesaid theatres, on their first introduction there; and, when so introduced, must be previously licensed, like other such novelties, by the Lord Chamberlain.

"I have the honour to be,

"Sir,

"Your obedient servant,

"G. COLMAN."

"By 'other places' are meant places *out of* the Lord Chamberlain's jurisdiction;—and most licences granted by him, for performances in other places *within* it (as in Bath, York, &c.), are not sufficient for those theatres in Westminster, and its liberties, which are not empowered to act the *whole range of the Drama*. Theatres limited in the nature of their entertainments (as The English Opera-House, and the Adelphi and Olympic Theatres) must of course abide by the restrictive specifications contained in their annual licence.

"G. C."

We shall now proceed to go into "minutes of evidence,"—to expose "the delicate investigation" of the works of dramatic authors, and of the indelicate inferences resulting from such investigation—indelicate, blasphemous, and immoral inferences. Never was there so powerful an illustration of the well-known aphorism of Dean Swift, that "a *nice* man is a man of

"nasty ideas!"—And in the first place, as to the French Theatre :—

" 28th January, 1830. Brompton Square.

" MY DEAR SIR,—As this is the commencement of your French season, you will much oblige me by impressing, as strongly as you can, upon the minds of *Messieurs les Directeurs*, that they are constantly to omit, in their representations, all oaths, and all appeals to *Heaven* and *the Deity*. I beg that they may consider this as a *general rule*; for it would be almost endless to make erasements in every French drama transmitted to me, of '*Dieu, Bon Dieu, Grand Dieu, Ciel, Cieux*' &c. &c. &c. With *Paradise* and the *Angels*, let me also observe, *en passant*, the French dramatists stand upon no ceremony.

" His Majesty's Lord Chamberlain will sanction no profane or immoral expressions, in any language, upon the stage of theatres under his Grace's control; and it is my duty to desire that the above-mentioned general rule may be particularly observed.

" All liberal latitude is given by the Lord Chamberlain; but it is absurd and unjust to expect that foreign actors in England, should be exempt from those Acts of Parliament to which our native performers are amenable.

" Be kind enough, my dear Sir, to communicate the contents of this note to the gentlemen who have the direction of the French performances at the English opera house; and believe me always,

" Very truly your's,

" G. COLMAN."

This general order seems to have arisen from a natural and national laxity, as to blasphemy, in the French company. Previous communications had passed between the censor and the censured, which show how deeply called for was a strong remonstrance from the English monitor to the French dramatic culprits.

" 6th January, 1829. Brompton Square.

" MY DEAR SIR,—I herein enumerate (to the best of my recollection) all such words and passages as are to be omitted in the representation of the French dramas :—

" 1. The sacred name of God.

" 2. All allusions to, or quotations from, the Holy Scriptures.

" 3. All cursing and swearing.

" 4. All mention of *Heaven*, and its *Angels*.—This will, of course, do away with (among other expressions) the continually recurring '*Mon Dieu! Grand Dieu! Ciel! Cieux! Mon Ange! C'est un Ange!*' &c. &c.

" Let me beg you to impress these directions strongly upon the minds of the performer and the stage-manager, that they may be strictly observed in every piece they perform.

" I am, my dear Sir,

" Very truly your's,

" G. COLMAN."

" 16ème Janvier, 1825. Brompton Square.

" MONSIEUR,—J'ai le plaisir de vous expédier la license de '*Frontin Mari-Garçon*.' A la représentation de cette pièce, on doit ôter les mots d' '*Adam*' et de

'Paradis' (voyez pages 5 et 16): et je ne saurais trop vous prier de rappeler les instructions générales que j'ai déjà données.

" Je suis, Monsieur,

" Votre très-humble Serviteur,

" G. COLMAN."

" P.S.—La License de " Les Frères à l'Épreuve" viendra Lundi matin, au plus tard.

The French company, we fear, will not " reform it altogether," as the words protested against by our venerable moralist are " native, and to their manner born!"—The English people are not strong swearers. They do not *dram* with oaths.—They are but, to their true praise be it spoken, a *negus*-sort of swearers;—it is blasphemy-and-water. We are here speaking of the anti-brute portion of the people of each country; for in the lowest orders there is no difference in the habitual intensity of profanity.

The Censor's anxiety for preserving the dramatic " well of English undefiled" will be fully exemplified in the following rich and rigid admonitions:—

" MYSTIFICATION,—*Musical Drama.*

" In the first scene, second act, of this drama, there occurs:—'I take you Mynheer Dulip,—I give you title of Count de Dulipeille.' It would do away with any apparent intention of personal satire, if this termination were anything but 'ville.' An eminent architect has lately been honoured with the same addition to his name by His Majesty.

" In the same act (second scene), are the expressions, 'Lord, what a fool I be;' 'Lord, how gay he was;' 'Lord, bless you;' 'Lord, what did they call it;' 'Lord, bless you,' (again.)

" Invoking the Almighty, in all those instances should be omitted. It is true that they are common colloquial phrases; but not the less profane on that account, when duly considered.

" G. C. 18th September, 1826."

" Please to omit the following underlined words in representing the Opera called, 'Not for me,' &c.

" ———— 'Damme if I do.'

" 'As you please; only don't swear; all holy and profane words are prohibited, even on the stage, now-a-days.'

" 'Vivid. The Heavens forbid!'

" 'Vivid. ———— damn it, if I ain't stammering.'

" Mem. Miss Virulent exclaims occasionally, 'Merciful Powers!' which expression, if it do not mean something palpably different from the Powers of God and Heaven, ought to be omitted.

" G. COLMAN,

" 20th June, 1828."

"In the song called 'Donkey Races,' to be introduced in the scene called 'Before Breakfast,' it is requested that the following words, which are underlined, may be omitted:—

"——— 'I have no idea whatever that the lower orders should have any of those meetings.'——— 'What can the common folks want with relaxation? If they want air, can't they walk about quietly?'——'Yes; or if they want exercise, isn't there the tread-mill for 'em?'"

"G. COLMAN,  
"29th August, 1826."

The above are delectable *Colmanisms*—or *Montrossisms*—or whatever they may be called by virtue of their office. But perhaps they are surpassed by the following elaborate workings out of the system. Is it to be wondered at that the culprit should laugh when, familiar with the last sentence of the appointed judge, he sees him put on the black cap and the moral visage, preparatory to the condemnation, the admonition, and the Old Bailey dinner!—

"Please to omit the following underlined words in the representation of the two dramas, entitled 'He Lies like Truth,' and 'Courting by Proxy.'

"HE LIES LIKE TRUTH.

"——— 'Does your father suppose that a young man of *fashion*, living upon town, can avoid lying occasionally?'"

"RATTLE. 'By Heavens! this is the most consummate impudence!'"

"——— 'Thank Heaven! now I breathe again.'"

"COURTING BY PROXY.

"Act I.

"SCENE 1. ——— 'in person a *perfect angel*, in manners a very goddess'"

"Ditto. ——— 'Say she does not turn out an *angel of the seventh heaven*!'"

"SCENE 2. ——— 'that indeed was *Paradise*!'"

"Ditto. ——— 'deformed and transformed enough, *Heaven knows*.'"

"SCENE 3. ——— 'I shall have to wait on you—*Oh Lord!*—but I hope you won't want your shoes,' &c. &c."

"SCENE 4. ——— 'Those blushes—*By Heavens*, she knows him.'"

"Ditto. ——— 'Marriage—*Good Heavens!* Gayton married!'"

"Ditto. ——— 'Let him hear his sentence from your *angel lips*.'"

"Ditto. ——— 'But now for this *angel*, the goddess—'"

"Ditto. ——— 'Yes, Ma'am;—a *precious angel!* very like a goddess, &c.'"

"Ditto. ——— 'Why, damme, the old hag's making love to me.'"

"Ditto. ——— 'Is n't she an *angel*?—' Yes, one of the fallen ones.'"

"Act II.

"SCENE 2. ——— 'How could Tom slight such an *angel*? *By Heaven!* were it not,' &c."

"Ditto. ——— 'Good Heavens! this will expose everything.'"

"Ditto. ——— 'He's a lying puppy, and you are an *Angel of Light*.'"

"SCENE 4. (in last verse of Muggeridge's song) 'Oh Lord!'"

"SCENE 5. 'She's an *Angel of Light!*'"

"SCENE 6. ——— 'Heaven knows, that heart is too tender,' &c."

" SCENE LAST. ——— 'By Heavens! I will reward your constant truth.'—

" MEM.—The mention of Mc Adam, Byron, Willis, and Munro, in this piece, were much better omitted;—to say the least, it is very bad taste to introduce upon the stage the names of persons living, or very recently dead.

" G. COLMAN."

" Omissions requested to be made in the Farce of 'The Bashful Man.'

" ACT I. SCENE 1. ——— 'While you, and the rest of the congregation, generally look at everything but your prayer book.'

" SCENE 5. ——— 'I fagg'd damn'd hard at College.'

" SCENE 6. ——— 'That damn'd Xenophon.'

" ACT II. SCENE 2. ——— 'But I shall think of that damn'd Xenophon.'

" Ditto. ——— 'Have n't I borne the mark of Cain upon my forehead?'

" Ditto. ——— 'Ain't I suffering the torments of a goblin damn'd?'

" Ditto. ——— 'Go down in the diving Bell,—call on the Chancellor.'

" Ditto. ——— 'When it attacks one's thighs and cheeks,' &c.

" (MEM. The mention of "thighs" has occurred two or three times before in this piece, and had better be entirely omitted.)

" Please to omit the words which have a line drawn under them.

" G. COLMAN.

" 1st September, 1824."

" 8th August, 1825. Brompton Square.

" SIR,—Have the goodness to attend to the subsequent directions, which refer to the forthcoming opera, entitled, 'Nadir-Shah.'

" I am, Sir, your obedient Servant,

" G. COLMAN."

" ACT I. SCENE 2. Calpigi, ——— 'All the fatigues, cares, and tediousness of royalty.' Omit the words, 'and tediousness.'

" ACT I. SCENE 4. In this scene, it is requested that the prayers, offered so frequently, and so directly, to Heaven, should be addressed to Brama; and that Brama's name, as often as possible, be substituted for the word Heaven.

" G. C."

" Please to omit the following underlined words in the representation of the musical entertainment, called 'What's in a name?'

" ACT I. SCENE 1. ——— 'Coming, damme, I call that going.'

" Ditto. (In the speaking part of Finish's song), ——— 'Pike, damme you're a shark.'

" Ditto. ——— 'That damned apothecary, who has just set up next door', &c.

" SCENE 2. ——— 'But Lord, Madam, if you had seen how my spark, Mr. Finish, &c.'

" Ditto. ——— 'But, Lord, Madam, I must n't fill your head,' &c.

" Ditto. ——— 'But, Lord, Madam, I thought you had driven him,' &c.

" It is recommended to the manager, or the author, to alter a trait or two in the character of Captain Rakeall, who, at the same time that he is represented to be a man of fashion and a captain in the army, is delineated as almost a swindler, and quite a coward. This is casting an unjust imputation upon a large class of men in the upper ranks of society, and also upon a highly honourable profession.—See Captain Rakeall's character in 1st Scene of Act I, and last Scene of Act II.

" G. COLMAN.

" 16th June, 1829."



What can surpass that loyalty, that purity, which can so tenderly recommend the "*tediousness*" being divested from royalty, and at the same time advise, that in an Eastern piece (Nadir-Shah) the prayers to *Heaven* should be transferred to *Brama*, in order to accommodate themselves to the ignorance of an English audience.

Of course the licenser of plays has looked to his own interest, as well as the interests of the public; we therefore, in the year 1826, stumble upon a two-guinea licence of a lecture on astronomy, "as containing nothing immoral or otherwise improper;" and in the year 1829, we also see him casting his similarly priced sanction over an oratorio, intituled "Joseph and his Brethren," as containing nothing immoral, or improper for "the stage entertainments which are appropriate to *Lent*." We do not refer to the controversy which arose between the Adelphi Mr. Hawes, and the Brompton Mr. Colman, respecting the licensing of an Oratorio, although all the documents are in our possession, except to notice that the Professor of music performed his Oratorio, and passed through the turnpike of the remonstrance of the professor of licensing, and successfully resisted paying the two-guinea toll.

The Licenser is a particular man, as by this time our readers will have surmised. It may be, by some venerable persons, remembered that Mr. Bartley gave, several years back, a very severe lecture on the stars. This was an opportunity which an acute censor was not likely to let pass by without comment. He "*improved*" it therefore (to use a Methodist phrase) by a two guinea licence, a copy of which we cannot resist submitting to our readers.

" 25th January, 1826.

" It having been represented to me, by the Examiner of all Entertainments and Exhibitions produced upon the Stage, that a manuscript entitled, "*Ouranologia*," being a Lecture on Astronomy, in three parts, does not contain in it anything immoral, or otherwise improper, I, the Lord Chamberlain of His Majesty's Household, do, by virtue of my office, and in pursuance of the Act of Parliament in that case provided, allow the said lecture to be spoken at your theatre, without any variation whatsoever, unless such variation be likewise approved of by me in due form.

" MONTROSE."

The licence however, like the spider's web, will take in every sort of dramatic fly. An Oratorio, not a very suspicious kind of "Dramatic Entertainment,"—must not escape the eye of the supervisor—and we therefore give a copy of a

licence of one,—as secretaries of institutions exhibit a dried bug, or a preserved caterpillar,—by way of a specimen of a curious genus.

" 5th March, 1829.

" It, having been represented to me, by the Examiner of All Theatrical Entertainments, that a printed book, entitled 'Joseph and his brethren,' being an English translation of Mehul's celebrated Oratorio, does not contain in it anything immoral, or otherwise improper for the stage entertainments which are appropriated to Lent, I, the Lord Chamberlain of His Majesty's Household, do, by virtue of my office, and in pursuance of the Act of Parliament in that case provided, allow the said printed book to be performed at your theatre, without any variation in the words whatsoever, unless such variation be likewise approved of by me in due form.

" MONTROSE."

It were curious to speculate on what suggested the selection of an old irregular Dramatist to be a modern moral Judge. Mr. Colman, however, who has known the value of a damn, before it was more profitable to him to expurgate it, upon the principle of Snake forsaking the trade of slander, when He was paid double for telling the truth—has been chosen to fill the unworthy office. Bob Booty has turned Mr. Peachum. Jonathan Wild, of whom Fielding has given a whole-length, was not only a highwayman, but the betrayer of highwaymen. He took fees, or blood-money, for the sacrifice of his comrades; and was the swiftest to *peach* against others, when he saw a chance of detection coming home to himself. Unless licensed by him, the examiner of Hockley in the Hole, no road-drama could be played, no professor of the mask could perform! Sir Walter Scott in one, perhaps the best, of his Scottish Tales, accounts for "Jem Rat's" promotion from thief to turnkey, upon the same invaluable principle. One would almost think the great novelist had been wickedly writing *at the licenser*, when he penned the following pertinent passage.

" Then, in heaven's name, what *did* you expect?"

" Just the post of under-turnkey, for I understand there's a vacancy," said the prisoner; " I wadna think of asking the lockman's place ower his head; it wadna suit me sae weel as ither folk, for I never could put a beast out o' the way, much less deal wi' a man."

" That's something in your favour," said the magistrate, making exactly the inference to which Ratcliffe was desirous to lead him, though he mantled his art with an *affectation of oddity*. " But," continued the magistrate, " how do you think you can be trusted with a charge in the prison, when you have broken, with your own hand, half the gauls in Scotland?"

"Wi' your honour's leave," said Ratcliffe, "if I kenn'd sas weel how to man out mysel, it's like I wad be a' the better a hand to keep other folke in. I think they wad ken their business weel that held me in when I wanted to be out, or wan out when I wanted to haud them in."

"The remark seemed to strike the magistrate, but he made no further immediate remark, only desired Ratcliffe to be removed."

"When this daring, and yet sly freebooster was out of hearing, the magistrate asked the city clerk, 'What he thought of the fellow's assurance?'"

"It's not for me to say, Sir," replied the clerk; "but if James Ratcliffe be inclined to turn to good, there is not a man e'er came within the ports of the burgh could be of sae muckle use to the good town in the thief and lock-up line of business. I'll speak to Mr. Sharpitaw about him."

And it is quite clear that this active legal limb has been appealed to in "our hero's favour," as Fielding invariably calls that other great man, Jonathan Wild; and *Sharpitaw's* spirit appears to have revived in our modern *Jam Rat*—to have prompted his severity and created his six-and-eightpenny morality:—To have drilled his mind into that state in which,

"——— all that law

"As yet hath taught him, is to find a flaw."

We are really sick and ashamed of this prostitution of power, and begin to wish, as our readers must now do, to escape from the subject. It was our intention—but our limits put a veto upon that intention—to have very respectfully submitted Mr. Shakspeare's plays to the supervising judgment of Mr. Colman; and to have thereby ascertained what advantage morality, poetry, and loyalty would have gained by the supervision. We had selected a rare collection of illegal though immortal passages—but when our readers detect what havoc the licenser would have made of the few following instances, they will be able at once to exterminate Shakspeare, *per Colman*.

"Angels and ministers of grace defend us!

Be thou a spirit of health or goblin damn'd!

Bring'st with thee airs from heaven or blasts from hell."

*Hamlet.*

"And damn'd be he who first cries hold, enough."

*Macbeth.*

"Swear!"

*The elder Mr. Hamlet.*

"An oath, an oath! I have an oath in Heaven!"

*Merchant of Venice.*

"Or why upon this blasted heath, &c."

*Macbeth.*

"*Curses not loud but deep.*"

*Macbeth.*

"*Out, damned spot.*"

*Macbeth, (turned Licensor.)*

"*Or that the Everlasting had not fixed, &c.*"

*Hamlet.*

And "last, not least" in fitness for submission to the pruning-knife, ("the pruning-knife?—the axe,") of the Licensor, there is the following sadly worded remonstrance of King John:—

"It is the *curse of kings* to be attended  
By *slaves*, that take their humours for a warrant  
To break within the *bloody* house of life;  
And, on the *winking* of authority,  
To understand a *law*,—to know the meaning  
Of dangerous majesty!"—

The words in italics must have been expunged (and indeed the last extract has something of Captain Absolute's rudeness in reading the libel upon Mrs. Malaprop to the old lady herself), and Shakspeare and the world must equally have been exposed to a terrific prohibition. But we have done. We have endeavoured to lay bare a bad system to our readers. For Mr. Colman, as a dramatist, and a liberal one, we have a sincere regard;—for Mr. Colman, as a licensor, and in our opinion an illiberal one, we have a bitter disregard—but in speaking of this gentleman, we merge the man in the office, at least we endeavour to do so, though he has a wilful way himself of merging the office in the man. At his age, and with his *valuable experience*, we can expect no healthy reformation—but we *do* look to the moral courage, youthful disinterestedness, and love of virtuous reform in the present Chamberlain, the Marquis of Conyngham, to effect the great good which it has been our humble attempt in these pages to advocate.

We here conclude our remarks on theatres, on the theatrical laws, and on those who mal-administer them. We have (as we have intimated already) outrun our limits, or we should be tempted to indulge in a few observations upon our dramatic literature,—that vast attractive power, which with its "elevation or decadence," raises or depresses the moral imagination and power of a country. When the drama has been

most pure, the people have been comparatively pure with it; and when the drama has been debased, the debasement has sunk into the people, and lowered and tainted their habits and their feelings. At the present time, with all the anti-damning propensities of the licenser, the drama has fallen somewhat into the state in which Charles II. fostered it. We have the same laxity in our Actresses, with something of the same patronage in our Nobility, and our plays appeal to the depraved eye and ear, rather than allow truth and beauty, through inspired language "to come mended to the heart." Accustomed as we have been in our early days, to love—to adore the dramatic muse in all her purity—to look up to her as the sweet promoter of every young and right feeling—we cannot contemplate the prostituted, fantastic, and faded creature which she has in these our times become, without a sombre remembrance of what she was in the days of our first love!—Her glory, like that of Ichabod, is departed!

Crabbe has "looked upon *this* picture, and on *this*," with the eye of a sad, severe, but true painter; and though professing himself no artist, realises the painful portrait with dismal fidelity.

"But is it she?—O! yes; the rose is dead,  
Its beauty, fragrance, freshness, glory fled:  
But yet 'tis she—the same—and not the same—  
Who to my bower an heavenly being came;  
Who waked my soul's first thought of real bliss,  
Whom long I sought, and now I find her—this!

"I cannot paint her—something I had seen  
So pale and slim, and tawdry, and unclean;  
With haggard looks, of vice and woe the prey,  
Laughing in languor, miserably gay;  
Her face, where face appear'd, was amply spread,  
By art's coarse pencil, with ill-chosen red:  
But still the features were the same, and strange  
My view of both—the sameness and the change,  
That fix'd me gazing and my eye enchain'd,  
Although so little of herself remain'd;  
It is the creature whom I loved, and yet  
Is far unlike her—would I could forget  
The angel or her fall! the once adored  
Or now despised! the worshipp'd or deplored!"

## ARTICLE VII.

*Inni Sacri.* Del Conte T. MAMIANI della Rovere. Napoli : 1833.

*Nuove Poesie.* Del Conte T. MAMIANI della Rovere. Parigi : 1836.

*Del Rinnovamento della Filosofia antica Italiana.* Libro uno. Del Conte T. MAMIANI della Rovere. Parigi : 1835.

THE appearance of works, conceived in the spirit and executed with the ability which these volumes display, is well calculated to give fresh colour to those hopes of the moral regeneration of Italy, which the political changes of so many centuries have failed to realise, but which the lovers of beauty and of mankind have never ceased to entertain. We hail with delight every attempt to renew the ancient Italian philosophy, to which the world owes so many of its brightest pages and wisest lessons; but it is with feelings of indignation and sorrow that we read the author's name in that list of exiles, which includes the most illustrious and most national characters of modern Italy. Are foreign types the only means by which the Italian, who combines reflection with patriotism, and the fire of genius with anxiety for the improvement of his country, can impart his convictions to mankind? Must the harp, which sings of the glories of Italy, be a harp hung upon the willows? And are the contemplation of the wisdom of past ages and the ambition of enlightening the present and future generations, crimes to be expiated by exile and proscription? Amongst all the evil consequences of foreign oppression, none is more odious than that wall of separation which it erects between a nation and the minds most qualified to instruct and adorn it. In all the sufferings of banishment, there is none more keen than the knowledge, that thoughts and language eminently suited to benefit the land of their origin, will be less usefully bestowed on the stranger. At this moment two poets, one of the North and the other of the South—Adam Mickiewicz and Terenzio Mamiani, are banished from the countries which bore and nurtured them. Their chief merit, and their only crime, is the national spirit of their writings. Their works are animated by the same

spirit of christian poetry, the same large views of history and mankind, the same indignant resistance to their oppressors; but they can command a wider audience than that of a few brother exiles scattered over the less poetic land which shelters them from persecution.

Setting aside for a moment the political considerations on which we would willingly and indignantly enlarge, we advert in this place to the debasing influence exercised on society in Italy by the ruling governments. They are too skilful not to know that the firmest security of their unjust dominion is the moral subjection, or, more properly speaking, the moral ruin of the people. It is as much their policy to drive and distort the purposes of enlightened liberalism into reckless violence, as to resist the overt acts of their enemies or their victims. Indeed, so warily have the better and more active minds amongst the Italians been watched by the precautions of the police, that every art has been employed to unfit them for asserting the rights of a free and educated people. The vices of the age are allowed to creep in, wherever they can enervate and subdue. The land is sown with tares; since it seems better to those usurpers to be the owners of a crop of weeds, than that others should reap a harvest of corn. In the language of M. Mamiani,

"Così dal cor gli emunse ogni robusta  
Lena, e gli rase dal pensier profondo  
Ogni innato ardimento il basso amore  
Di sé medesimo e cieco. Invan sul labbra  
Ricorrongli d' onor, di libertade  
I sensi generosi, e dell' augusta  
Patria diletta il venerabil nome:  
Poco l' alma v' assente, e i forti suoni  
S' avvezza a mormorar simile a soffio  
D' aura che ignara della sua virtute  
Via passando talor sveglia in sospeaa  
Arpa un concerto di soavi note."—(*Nuove Poeste*, p. 68.)

In Herr v. Raumer's interesting letters on England he incidentally comments on the state of Italy in a manner which strikingly corroborates our own opinion. The passage is as follows :—

"The desire to obtain an *entire undivided* Italy may be right, if we are to understand by it a unity which does not destroy the diversity of the country: ~~but~~ if we are to understand a centralized Italy, with one sovereign capital at *la Frangola*, I do not see in such a change even a euthanasia, and still less a real regeneration.

The nobler problem is to retain the rich variety of Italy, and only to render the bond of intellectual union more apparent.

"It is not possible, by means of a paper constitution, either suddenly to renovate a decayed people, or suddenly to civilize one that is uncultivated. It can have no salutary effect till it is the result of all substantial and ideal relations, and harmonises with them; and for this reason, all servile imitation or adoption of external forms is but labour in vain. Introduce two chambers, an electoral system or any other constitutional form you please, into Naples, Rome, or Milan, would freedom and order really be immediately produced by this panacea? I very much doubt it. Let every Italian commence the regeneration of his country with himself; let him employ his aristocratic enthusiasm in improving the situation of the mass of the people, even at the expense of personal sacrifices; let him educate himself as well as his dependants, and with the growth of moral and intellectual freedom political freedom will, unperceived, arise. Nay, in the end it is essentially the same; for he who possesses intellectual and moral freedom will find all the rest come of itself. Every government which throws obstacles in the way of this kind of improvement, is criminal; every government which fancies that its existence depends on police regulations, has a bad conscience."—(*Raumer's England in 1835*, Vol. III. p. 81.)

It cannot be doubted that the present moral and intellectual condition of the higher classes of Italians must be attributed to the education which they are obliged to receive. The clergy still possesses an uncontested authority over the rising generation. But the ignorance or insincerity of the men who fill the important office of spiritual instructors, prevents them from exercising a due restraint upon the relaxation of public morality, and offering a firm resistance to the inroads of materialism and infidelity. The impression left upon the minds of the larger and better part of the youth of Italy, we fear, engenders a feeling of contempt for the professors in whose hands they are early placed by the custom of the country, and a disposition to treat the high truths, which are thus presented to their minds, with aversion or indifference.

The duties of the Christian priest are still indeed performed in the spirit of piety and of charity, in thousands of obscure hamlets, where a happy race of peasants live in the enjoyment of the same sun, the same fruits, and the same faith as their forefathers. The Austrian government, which presses with so deadening a weight upon the more influential ranks of Italians, has ventured to extend its own excellent system of primary instruction to the communes of Lombardy. But the inhabitants of cities and the upper



classes of society have lost that high state of intellectual cultivation which was their ancient boast, and that warm-hearted faith which cheered the easy life of the contadini. The palaces of Verona are in decay and their gentlemen are fallen; whilst the plains of Lombardy still support a contented, if not a free rural population. The absence of the convictions, which ensure the safe existence of states and of communities, is but too obvious in the moral and social principles of those classes which have been more immediately exposed to the debasing influence of arbitrary power and delayed hopes of improvement. Political power has always been dispersed amongst conflicting cities, or contested by the mutual jealousies of governments, whose only point of agreement is their anti-Italian character. And whilst the standard of education and society has been rapidly sinking in Italy, Rome also has lost all political importance as an elective principality in the midst of neighbouring provinces generally, given over to the worst systems of government. The monstrous alliance of the Guelph and the Ghibelline—the entire subjection of the cabinet of the Vatican to the cabinets of the North—is now complete. Such is the position of the Roman pontiff, and such his infatuated, or his inevitable tendency to cling to the chiefs of that cause of absolutism which he has espoused, that he is sunk into a subservient alliance with the natural foe to hierarchy of the Latin church. The quarrel of the eastern and western churches is renewed, with every mark of virulence, on that unhappy theatre of tragical events, to which it is so often our duty to revert; and the Roman Catholic institutions of Poland are abandoned by their head and protector, to the heretical and vindictive policy of the Autocrat, who unites in his own person the titles of Czar of Russia, King of Poland, and Head of the Greek church. We have only cited this instance to show how entirely, even in its more distant and spiritual interests, the court of Rome is shackled by the policy of the northern cabinets. The soundest patriots of Italy have not without reason ceased to look to the existing social principles of the pontifical ministers for that succour, which it would be their duty to afford.

Yet dark as this picture may seem to be, hopeless as the prospect may appear, where not only such mistrust exists

between the governors and the governed, but where the higher classes of society adhere so feebly to those eternal principles without which no good government and no solid social institutions are possible, the hopes of Italy are not wholly obscured by the existing state of the public mind. In the language of our author—

“ Angosciati d' amaro

Desir l' orfano uomo, e qualche aspetto  
Di beltà va cercando al ciel simile,  
Mai sempre indarno, e un riso, una dolcezza,  
Che di terra s' innalzi e come nebbia  
Instabile non muoti, o non dilegui.  
E pur la sete di non fragil bene  
Infinita gli cresce, e pure in cima  
De' suoi pensier vivaci gli sfavilla  
La rimembranza delle cose eterne:  
Quindi in cor lentamente il suo corrucio  
Divora, e ai luminosi astri soleva  
Le appannate pupille.”

*Inno ai Patriarchi.*

Within the last few years writings have emanated from the pens of men, who are not inferior either in genius or zeal to the best thinkers of a happier age. We would fain believe that the works of Manzoni and of Silvio Pellico are the heralds of a deeper and greater revolution, and the forerunners of more lasting convictions and advantages, than the mere aspirations of undisciplined minds can ever effect. It is difficult for a foreign critic to judge, if the influence of the opinions of these good men, within their own country, has been equal to the interest and the admiration with which they have been hailed in other parts of Europe. But as they have not lived apart from the changes of the times (one having, with no abstracted contemplation, surveyed the position of his countrymen; the other having, in his own person, borne testimony and suffered a long martyrdom in the cause of Italy) it is to be hoped that the convictions, at which they have happily arrived by meditation and by endurance, will ultimately spread over the hearts and minds of the better part of the nation to which they belong. In his book, *Della Morale Cattolica*, Manzoni defends the moral and social tendencies of the faith of the Roman church—of that faith which has reckoned amongst its most sincere professors the Italian names which stand first in letters, in arts, and in virtue—

against the imputations of the indefatigable historian of the Italian Republica. Although this little work is inferior to his other compositions in the graces of style, and although Manzoni himself is said to lament its defects in method and in detail, which he has, with the conscious eye of genius, been the first to detect, yet it deserves a prominent mention, from the noble purpose to which it is directed. That purpose is: to show that nothing is more conducive to the formation of strong characters of men and citizens, than the moral principles which have invariably been taught by the Christian church; and to distinguish the abuses, which have crept into the spiritual government of the people, from the pure moral doctrines on which that government is founded.

And here let us remark, that we are not deterred from the expression of our assent to the opinions maintained in Manzoni's treatise, *Della Morale Cattolica*, by the circumstance of our living and writing in a country where the names of Catholic and Protestant are rung in the harsh dissonance of religious and political controversy. The real dispute in Italy is upon the fitness of the Christian doctrines to supply the wants, and to harmonize with the institutions of a free and educated community. There the real controversy lies between Catholic Christianity—and infidelity.—The Christianity of Italy, is Roman Catholic Christianity: and we have nothing in common with those, who would prefer the annihilation of all religion to the prevalence of a creed which differs in some respects from their own; or with the enthusiasts, who desire to see an universal protest registered against the Catholic church. All Manzoni's works breathe the same spirit of pious strength, and the same fixed principle of duty, of which Silvio Pellico has given the world so excellent and affecting a lesson in the account of his imprisonment. Pellico's little treatise on the duties of men, is very secondary to *Mis Prigione*, in point of originality and interest; but it is a pleasing exposition of the tranquil philosophy to which its author has been led by his more romantic sufferings; and it is precious as a manual destined to form a manly character in Italian youth.

The writings of M. Mamiani have not pretensions to the merit or the popularity of the productions we have mentioned. But they are not the less worthy of notice, since

they furnish evidence that the philosophy and the opinions which we hail as the dawn of new hopes for Italian society; are not confined to one or two isolated breasts, but have begun to spread amongst the younger and secondary thinkers of the South\*. As literary compositions, these poems bear evidence of an ennobling and instructive familiarity with the best masters of poetic diction; and the preface, which is written in a remarkably firm and elegant style, proves that M. Mamiani unites much of the critical ability of the Italian classics, with those principles of philosophy which he has revived in his larger treatise from the thinkers of the sixteenth and seventeenth centuries. Perhaps the sanguine character of the exile is allowed occasionally to over-colour the anticipations of the poet and the philosopher. It is a hard lesson for men to learn that the innermost convictions which they profess, those which they have learned in the schools of misfortune, and which they treasure as the sacred panacea of their former ills, are looked upon by their happier brethren, as the results of their own isolated schemes, and having no part in the work of mending and benefitting the world. To exert an immediate influence, a man must think *with* his countrymen; to effect a more remote triumph for the cause of truth, and to bring them to share his opinions, he must think *for* them. It is by retiring for greater strength of eye and sight that men are led to return to the principles of political action, and to view the state in its immediate connection with the education of mankind and the highest objects of human endeavour. A power is thus thrown over the mind, which, like the *Albigensian* *Don*, completes the scheme they would realise by creating a similar enthusiasm. We have already remarked this spirit in M. Mamiani's writings, and we have observed the advantage he derives from a timely return to the soundest social doctrines in his matter, and to the best style of poetic

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\* Amongst the works to which we have alluded as bearing marks of the philosophical character of the new Italian school, we cannot forbear quoting the two volumes *Dell'Italia*, recently published in Paris, and attributed to the accomplished pen of M. Tommaséo. They treat in a more complete and more abstract form of the same principles of political and social regeneration, which we have had occasion to advert to in commenting on M. Mamiani's poems; and they afford an additional proof of the extension those principles are likely to take.

art in his form; it remains for us to lay before our readers a few specimens of each.

"My intention has been in the sacred hymns, which occupy the first part of this volume, to present the ideas of Christianity under a form not wholly dissimilar to those compositions, which are known under the name of the Homeric hymns; they are peculiar to the Greeks, and different from all other poetry inasmuch as they partake at once of the epic and lyric styles. I cannot better explain my design than by repeating that my hymns are intended to celebrate the *civil religion* of modern communities. In Greece and Rome we find that the governors of those nations exercised sacerdotal functions in the name of the state; and the theocratic governments of the East exercised political authority in the name of Him to whom their ministry was consecrated. For the former, the sacrificial act was a part of the political prerogative; for the latter, all political power was naturally derived from the divine authority vested in them. But the religion of Christians neither in the relation of a subject, nor of a superior to the state. It was founded by its divine Teacher in the conviction of what is true, and in the knowledge of what is good; and as truth cannot be imposed nor virtue forced, the religion of Christ is, by its very essence, free, independent, and spontaneous. Hence it is truly a *civil* religion, that is to say, the religion of civilised man. The priesthood of a faith, so differently constituted from the political and theocratical religions of antiquity, must necessarily differ from the sacerdotal ministers of the nations in which they prevailed. The Christian priesthood can be neither a magistrature nor a principality, but the solemn representative of an invisible moral power, speaking the truth, persuading to virtue, and performing those pure and innocent rites which are the symbols of the covenant between God and man."

After confirming and illustrating this position by the authorities of the early church, and in particular by extracts from Synesius and Pope Gelasius, M. Mamiani proceeds:—

"The Christian religion may also be termed a *civil* religion in the sense which was anciently given to that word, and which is now more commonly conveyed by the term *social*. It is the sum of those customs and institutions which distinguish civilised man from the savages and barbarians. Who does not know that the spirit of the Christian faith is the spirit of humanity; that the germs of the infinite progress of human society are contained in those highest truths which the Gospel of Christ breathes and illustrates? And that as we are advancing by the laws of our nature in a course which has no definite limit, so the light of Gospel truth advances with us, without our ever penetrating the furthest depths which it contains. For, in fact, that truth is a wonderful and perfect synthesis of the nature of goodness; and as often as human speculation or experiment believes itself to have hit upon some fresh perception of that goodness, it perceives that this seemingly new perception lay folded in the leaves of the Gospel, like the petal in a bud, or the embryo in an egg. Is it then to be wondered at that the Catholic religion should expand and take a wider aspect, producing fresh perfections from its own virtual perfection, and proceeding in the greater fulness of time to ennoble and to improve the destinies of mankind? Not indeed that any thing is changed in the import and the principles of religion, but that we are so changed as to understand and apply them better. It is not the principles

which progress, but we who rise step by step to a more perfect knowledge of them. They, indeed, are as immutable as the eternity on which they rest; but the light they cast upon the human mind increases in the same proportion as the capacity of the human intellect. Thus it is as false to assert that we would change the Catholic faith and the morality of the Gospel, as it would be to accuse the physical sciences, which are improved by experiment and increased knowledge, of changing the laws of nature."

Our author then proceeds to comment upon the changes which the history of the church shows to have been effected in her discipline, by the influence of civilisation and philosophy. The sanguinary condemnation of heretics, and the tribunals of torture and of blood, stand condemned in the records of past ages. That political power of the Roman pontiff, which made the Indies its largess and dissected the shores of unknown continents with arbitrary frontiers, has fallen away, like the doctrine of the imperial supremacy, which had a Dante for its advocate, and the equally exaggerated pretensions of Protestant statists in favour of the divine right of kings.

It is worthy of remark that at the very time when the cities of England were made the scenes of a controversy, which, for virulence and unfairness, reminds us of the harangues of a Tetzels, an Italian Catholic was urging the doctrines of the church and the religion to which he belongs, as the surest and safest guides of his country and of mankind, in the paths, not of ignorance—not of absolutism—not of the inquisition—but of knowledge, freedom, and virtue. Let this Irish Tetzels turn his eyes to the free countries of the world—to those American states where the Catholic population increases in numbers, because it is as devotedly attached to the cause of liberty as the other sects, and because it has risen above those prejudices of colour which still prevail amongst them. Let him consider his own Ireland, which Protestant bigotry has tended to demoralize. Let him look to the rising universities of Belgium and the young philosophers of Italy; to the tomb where Poland sleeps beneath the shadow of the cross; and, if he will not, others will confess that the influence of the Catholic church is redeeming itself from the evil violences of a less enlightened time. We resume our extract, where M. Mamiani enlarges still further on the nature of this change.

"A movement of improvement and amelioration does then possess and direct the Catholic world, not as to its doctrines—not as to its principles, which are

both of them immutable, but in respect to the better application and practice of these principles. And if many truths have heretofore been purged from erroneous interpretations, and many rendered more clear and more fruitful, I am persuaded that as many more will yet be perfected and improved, without either check or limit, since we cannot but obey that infinite love of truth, which impels the lesser streams of knowledge towards the sea of the universal mind.

"I assert, and I feel well assured, that one of those improvements by which the Catholic church has benefitted, and will yet be benefitted, is the propagation of that *civil* element which the Gospel teaches, and which our own time seems peculiarly called upon to witness. And I look forward to the existence of a *spiritual* priesthood separated from the world, existing in strict unity with a religion essentially incorporated with society and with the world, or, to use an expression of the theologians, a religion immanent. Whereas much of the evil in society has hitherto been caused by a contrary state of things, namely, by a priesthood overmuch introduced into worldly affairs, and a religion overmuch removed from them.

"Men are beginning in these days to recognise, as they ought, the moral courage, and the spirit of devotion which is infused into all good social or political actions: but although the completion of this kind of revelation appears to fall upon this age, the greatest of men have ever disapproved of those fanatical doctrines which would make piety a thing wholly segregated from the world. And in my opinion, the first amongst them, in this respect, were the old Italians, who regarded their Catholic faith as the surest bulwark of freedom, and the most efficacious stimulant to love and honour the state."—(p. 25.)

We confess that we cannot share the warm conviction of our author that this age is peculiarly destined to witness the realisation of those elevated views, and the universal acceptance of that humanising civil philosophy, which it has been the object of all great minds and good statesmen to advocate and to foster. Years must roll on, before generations can be improved; and he knows much, who is well-convinced of the tendency of human events, though he be unable to stretch his eyesight to the goal.

But we must abstain from political speculations, to enable our readers to form an opinion of the poetical merits of Count Mamiani. Amongst his sacred hymns, which are a novel and a very successful adaptation of the Homeric form to the legends and—if we may be allowed to use the expression—the mythology of the church, we are particularly struck with the "*Inno a San Raffaele*." The style of the poet has all the magniloquence of Monti without his frigid classicism and the devout fire of Manzoni with a still higher power of graphic expression. The groundwork of this poem is taken from the book of Tobit. The legend of the affectionate and powerful angel is treated with

so much art and power, that it reminds the reader of the Apollo of antiquity, perfected by the calmer and milder religion of the Catholic poet. Raphael accompanies the youthful Tobit under the disguise of Azarias, till they arrive in the dwelling of Ragüel; and the evil spirit, which had already caused the death of the seven suitors of Ragüel's daughter, is driven away from the nuptial chamber of the pious bridegroom by the assistance of the angel. The story of the Apocryphal Book is amplified in the following passage, which seems to be partly imitated from the battle of Apollo and the Python; but still more from that sublime picture of Michael and the dragon by the artist who bore, not undeservingly, an angel's name.

" Fuor di terrene spoglie erasi intanto  
L' angiol di Dio sul limitar locato  
Del ben costruito talamo, nè umano  
Occhio il vedea; dal capo al piè vestiva  
Le tremende armi in cui si fiaccan l' ire  
D' Averno, e tutto fiammeggiava d' oro;  
Se non che d' adamante avea lo scudo  
Maraviglioso, e la infrangibil asta,  
Pari a striscia di luce onde l' azzurra  
Marina incontro al sol viva lampeggia.  
Parve ei si fatto, ed occupò gigante  
La soglia; ed ecco a quel notturno amaro  
Scempio assueto, dai tartarei laghi  
Il reo demone uscire, e tener forma  
D' un furial serpente; il truce capo  
E il collo e il tergo in più veneni infetto  
E maculato: rivolgea l' enormi  
Spine, e di sangue i focosi occhi aspersi  
Sibbando torcea; ma non appena  
Si scontrar quelli nel fulmineo sguardo  
Dell' Angiol forte, istupidi, restrinse  
I volubili giri, e immobil stette.  
Alzò allor Raffaele la possente  
Asta, che la città scuote dal fondo,  
E sovra il tergo irto di squame un solpo  
Dechinò spaventoso. Irrigidissi  
L' angue ferito, d' atro umor s' imbebbe  
E di schiuma il terreno, e i livid' orbi  
Fra morte disciogliendo, in lungo tratto  
L' abominata striscia si distese."

*Inno a San Raffaele.*

In M. Mamiani's earlier volume of poems, the hymn to Santa Pelagia is as remarkable for its delicacy of sentiment and expression, as the hymn to San Raffaele is for its force and truth. In his more recent publication, the hymn to St.



Terence, the patron saint of the poet's native Pesaro, ends with a sweet strain of devotion and regret. But the poem most deserving of the notice, which our limits forbid us to bestow as amply as we could wish, is the hymn to the primitive church. There he strikes a chord which awakens reminiscences of the pure traditions of the faith, of the pompous abuses of Italy, and of those preceding bards who ventured to exclaim in the palmy days of Rome—

“ Di' oggimai che la Chiesa di Roma  
Per confondere in sè duo reggimenti  
Cade nel fango.”—*Purg.* xvi.

Possessing much of the energy and religious philosophy of Dante, M. Mamiani may live to see his name permanently enrolled among the poets of modern Italy. In conclusion, we give entire, an ode at the tomb of his great master, scarcely equalled in modern composition for terse elegance, and exalted and generous feeling.

“ Pace (io dal cor gridava) o Ghibellina !  
Ombra adegnosa, già qual debbe onora  
Te la tua patria, anzi qual dio t' adora,  
E le reliquie tue devota inchina.”  
“ Pace (udii che rispose) alla meschina  
All' abietta dirò che bacia e infiora  
Le sue catene, e in turpe atto dimora,  
D' ultima ancilla, ove sedea regina.  
Ahi ! sì fatta è Firenze ? e ugual lignaggio  
Ugual cielo sortir meco i suoi figli,  
Questi codardi che non fur mai vivi ?  
Questi varii da me d' opre e consigli,  
Lenti, oziosi, timidi, lascivi ?  
Oh ! possanza di tempo e di servaggio !”

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“ Peace, haughty spirit of the Ghibelline !  
(Burst from my heart) to whom thy country gives  
Such fitting honour as a God receives,  
And bends devoutly o'er thy hallow'd shrine.”  
“ Peace to the base ! (it answer'd) to the mean  
Shall I say peace, who fondly wreathes her chains  
With flowers, and in the servile act remains  
Of lowest menial, where she sat a queen ?  
Alas ! is Florence thus ? and have with me  
Her sons an equal lineage ? Is the sky,  
Which gave me life, to lifeless cowards assign'd,  
From me so changed in deed and purpose high,  
Timid, voluptuous, slow, to ease resign'd ?  
O fatal power of time and slavery.”

## ARTICLE VIII.

*Rules for the Examination of Attorneys.* Hilary Term, 6. Wm. IV. 1836. Read in all the Courts of Common Law on Monday, the 1st day of February, 1836.

*The Legal Observer; or, Journal of Jurisprudence,* from Saturday, Feb. 6, 1836, inclusive; London: 1836.

THE nature of the interests, which are entrusted to the care of the attorney, opens to him peculiar facilities for the commission of fraud. In mercantile affairs, or those of private life, if one party deviates from the path of integrity, the alarm and precaution of the other are immediately excited. But the course of business of an attorney's office is quite beyond the province of the common sense and discernment, which serve to regulate the proceedings of trade, or more private concerns. The fraud practised upon clients, necessarily ignorant of legal forms and phraseology, is rarely discovered until success renders it apparent. Every act of an attorney can without difficulty, or fear of immediate detection, be represented to his passive employers, as suggested by good faith, and the exigencies of their respective cases. It is the same to a very great degree with the professional ignorance, or negligence, of the attorney, neither of which is betrayed, until forced upon the client's observation, by the inextricable difficulties in which it has involved him.

In the pursuits of trade, want of skill or neglect of duty manifests itself from the first; and in private life, the competency or diligence of an individual is easily discoverable. This difference of liability to detection, by the observation and judgment of the parties interested, between the practice of the law and the pursuit of other avocations, requiring industry, knowledge, and integrity, arises from the agency of the attorney being exercised in the forms and technical terms of a system highly artificial, having no analogy, or natural relation, on the subjects to which they are applied. In commercial, or private affairs, the proceedings are, comparatively speaking, simple; and, the language in which they are transacted being that in ordinary use possesses an obvious

affinity to the matters it refers to. In the former case, every thing is unintelligible without the possession of previous technical information; in the latter, the understanding requires only the aid of fair sense and discrimination.

It is delusive to suppose that the study of attorney's practice can ever be prosecuted by any but actual practitioners, so as to counteract the effects of their ignorance, dishonesty, or neglect. The mischiefs, therefore, arising from those causes, are clearly not within the control of the sagacity, or information of clients. Nor are they, as will subsequently appear, sufficiently guarded against by the ordinary remedies, yielded by the law to employers or principals for the breaches of duty, or want of probity on the part of agents. The cure, therefore, lies in the application of some extrinsic remedy peculiarly adapted to the exigence of the case.

Acting upon these conclusions, the legislature and courts of law have from time to time, during the last four hundred years, made various regulations to prevent abuses of the unrestricted powers necessarily lodged in the hands of the attorney. The immediate object of some of these provisions, is to subject him to a peculiar and summary jurisdiction in certain cases of mal-practice, or breach of duty; whilst the intention of others is to exclude from the profession incapable or dishonest individuals. Regulations of the latter description have been extremely numerous, and, according to their mode of operation, may be divided into two classes. *First*, those adapted to stimulate the attention of the clerk, and to multiply his opportunities for obtaining a knowledge of his business, by strictly enforcing a long apprenticeship, and other formalities before admission, which are all calculated to bring him in constant contact with the transactions of an attorney's office. There are also regulations intended to fortify the integrity of the clerk, and promote habits of industry and regularity, by making the master, to a certain degree, the censor of his conduct. Most of these provisions still continue to be punctually adhered to, more, however, on account of the penalties attached to their infringement, than the benefits resulting from them. The guarantees they furnish for the integrity and professional qualifications of the clerk,

are extremely weak and inadequate; since the formalities enjoined may be observed to the letter, without securing any of the effects contemplated in their injunction\*.

An exception, perhaps, may be made in favour of the rule requiring the clerk to give public notice of his intention, previously to applying for admission. This affords an opportunity for objections being urged against his admission, which, in practice however, are nearly always limited to cases of flagrant misconduct.

Of the *second* class are those regulations, which are framed with a view to render the admission of the attorney dependent on his possessing a competent degree of professional knowledge, and a character free from reproach†.

\* Such are the formalities of a five years' servitude, and a total abstinence on the part of the clerk, during that period, from the pursuit of any other profession, or trade. At the time of admission, the clerk swears that he has well and truly served his master, in the business of an attorney, for five years, and the master signs a certificate to the same effect. The meaning of the word *service*, being left to their private—and therefore, frequently collusive—interpretation.

† They are briefly alluded to in the introductory clause to the new rules, as follows:—Whereas, by the statute 4, H. IV. c. 18, it was enacted, 'That all the attorneys shall be examined by the Justices, and, by their discretions, their names put on the roll, and they that be good and virtuous, and of good fame, shall be received and sworn well and truly to serve in their offices.' And whereas, by the statute 3, Jas. I. c. 7, s. 2, it was enacted, 'That none shall, from henceforth, be admitted attorneys in any of the King's Courts of Record, but such as have been brought up in the same Courts, or otherwise well practised in soliciting of causes, and have been found by their dealings to be skilful and of honest disposition; and that none be suffered to solicit any cause or causes in any of the Courts aforesaid, but only such as are known to be men of sufficient and honest disposition.' And whereas, by a rule made in Michaelmas Term, 1654, in the Courts of King's Bench and Common Pleas, it was ordered, 'That the Courts should once in every year in Michaelmas Term, nominate twelve or more able and credible practisers, to continue for the ensuing year, to examine such persons as should desire to be admitted attorneys, and appoint convenient times and places for the examination; and the persons desiring to be admitted were first to attend with their proofs of service; then to repair to the persons appointed to examine, and, being approved, to be presented to the Court and sworn.' And whereas, by the statute 2, G. II. c. 23, s. 2, it was enacted, 'That the Judges, or any one or more of them, should, and they were thereby authorised and required, before they should admit such person to take the oath, to examine and inquire, by such ways and means as they should think proper, touching his fitness and capacity to act as an attorney; and if such Judge or Judges respectively should be thereby satisfied that such person is duly qualified to be admitted to act as an attorney, then, and not otherwise, the said Judge or Judges

These provisions apparently supply the defect common to all those we have just mentioned, but have for many years past fallen into total disuse. In last Hilary Term, however, the Judges of Westminster Hall, published the rules of which the title stands at the head of this paper, by which it is expressly declared, that for the future, no person shall be admitted, except on production of a certificate signed by the Examiners therein mentioned, testifying his fitness, and capacity to act as an attorney :—

" 1. IT IS ORDERED, that the several Masters and Prothonotaries for the time being, of the Courts of Kings Bench, Common Pleas, or Exchequer, respectively, together with twelve Attorneys or Solicitors, be appointed by a Rule of Court in Easter Term in every year, to be Examiners for one year; any five of whom, one whereof to be one of the said Masters or Prothonotaries, shall be competent to conduct the examination; and that from and after the last day of next Easter Term, subject to such appeal as hereafter mentioned, no person shall be admitted to be sworn an attorney of any of the Courts, except on production of a certificate signed by the major part of such Examiners, actually present at and conducting his Examination, testifying his fitness and capacity to act as an attorney.

" 2. IT IS FURTHER ORDERED, that the Examiners so to be appointed, shall conduct the said examinations, under regulations to be first submitted to and approved of by the Judges.

" 3. AND IT IS FURTHER ORDERED, that in case any person shall be dissatisfied with the refusal of the Examiners to grant such certificate, he shall be at liberty to apply for admission by petition in writing to the Judges, . . . . . which application shall be heard in Serjeants' Inn Hall by not less than three of the Judges."

The object of these rules is clearly the same as that of the class of regulations under immediate notice; viz. to make the admission contingent on certain professional, and moral qualifications.

We intend to devote the following pages to the consideration of the adequacy of an examination, like the one proposed, to ascertain the attainments and character of the applicant for admission; and also incidentally to suggest some improvements, that might be made in the discipline to which attorneys are subject. It is no part of our plan, however, to enter into any exposition of the frequency, or variety of the

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of the said Courts respectively should, and they were thereby authorised to administer to such persons the oath thereafter directed to be taken by attorneys, and after such oath taken, to cause him to be admitted an attorney of such Court respectively."

frauds, or the instances of ignorance, or neglect, which are charged upon this branch of the legal profession. The recent publication of supplementary rules is an admission of the insufficiency of existing regulations, to furnish the requisite security against these evils. With this remark we proceed.

The mischiefs against which, it is desirable to protect the public, in the case of attorneys, arise from their negligence, dishonesty, or ignorance. It is intended, through the ulterior operation of the new rules of court, to create the required protection, by putting an end to the causes of these mischiefs as far as possible. In the course of the following remarks, we shall observe a distinction, which we request the reader to bear in mind, between the ignorance—the dishonesty—and the negligence of attorneys. Although those faults resemble each other in their consequences, it does not follow that they should be corrected by the same restraints. Our observations upon the probable effects of the rules in question will, in the first place, be directed to ascertain the suitableness of the examination, they prescribe, for discovering the professional skill of candidates for admission. These, however, will be preceded by some remarks, for the purpose of indicating the peculiar nature of the knowledge and dexterity, which constitute the skill necessary for the practising attorney.

It may appear paradoxical to maintain, that a knowledge of law is by no means of paramount necessity to an attorney. We are confident, however, that an examination of the subject will justify the assertion, and show that the failure of past attempts to remedy the evils, arising from want of skill, is to be attributed to the erroneous views that have prevailed as to the appropriate qualifications. Long observation of the superior proficiency of those, who confine their attention to a single branch of the useful arts, has introduced, with the most beneficial effects, an extensive and well defined division of labour into every occupation, requiring the application of varied toil. This well established principle of political economy is applicable to the subdivision of labour in the general science of law, in that advanced and complicated state, which now prevails in this country. The sagacity and expertness of a lawyer, in any branch of legal pursuits, are no less improved by his attention being

exclusively confined to the comparatively few topics it embraces, than the dexterity of a mechanic in a given operation, by his industry being limited to its repetition. The degree of skill in forensic advocacy, beneficial to the interests of suitors, could not be attained by our barristers, did they not give to their peculiar province an undivided attention. Pleading, again, is conducted by individuals peculiarly qualified for it by their solely studying that branch of practice. Conveyancing is another division of the law, to which its practitioners find it advisable to direct their unbroken attention, in order to acquire the requisite facility. The functions of the attorney are, in like manner, limited to a distinct portion of practice, the exclusive adherence to which, experience has proved to be beneficial to clients. Every department of the law is thus occupied by practitioners, who confine their industry and talents to its peculiar objects. This division of the profession into different classes is owing to the peculiar acquirements, which the pursuit of each branch of the law requires, and to the vast extent and variety of the learning connected with it in every relation. If the advantages, attending a division of labour in all laborious avocations, are taken into consideration, it will be immediately perceived that every ramification of the law, not indispensably connected with any other, should be pursued by a class of practitioners confining their exclusive attention to it. We are decidedly of opinion that the different branches of the profession, denoted by its various professors, should not be made subject to any artificial bonds of connection. They should be allowed to arrange themselves freely in the same or different hands, according to the dictates of private interest, or the exigencies of public utility. The advantage of individual practitioners, in such respects, cannot be hostile to that of the public; and the practice of the law should not be oppressed by any regulations, under the pretence of benefiting suitors, except those obviously necessary to protect the unwary from fraud, ignorance, or neglect of duty.

Having made these preliminary remarks, in order to show, that, for public ends, a division of labour is a matter of necessity in the law, we proceed to inquire into the qualifications of attorneys, with a view of particularising the branch of

legal knowledge, with which it is necessary they should be acquainted. An important portion of the matters, upon which attorneys are consulted, does not require the application of law, but the judicious consideration and advice of a man well versed in the transactions of life. A case involving any legal difficulty is immediately referred by the attorney to men competent to give advice upon it by their attention having been solely directed to similar questions. This is what actually takes place, whether the attorney be sufficiently or not versed in general legal learning to dispense with the assistance of those who make single departments their peculiar study. Such reference is indispensable, for it is impossible, from the difficulties that encompass the science, and its practice, that any individual should attain general proficiency in it. It may be averred, that instruction in one branch would enable the attorney *pro tanto*, to rely upon his own skill. Were this admitted, it would not affect the general question. In every other department of the law he must apply to men of more profound acquirements than himself. This must happen in most instances, since his own agency is required in cases of every possible variety within the circle of the law. But it is extremely questionable if an attorney conversant, by education, with any particular branch, could under any circumstances rely with safety upon his acquaintance with it. A knowledge of any portion of the law is only obtained by long and continued application, and preserved by the attention being frequently and rigorously drawn to it. Again, the principles of law are not applied to any case without a laborious analysis and consideration of its details with reference to them—a work of time; nor are the principles themselves sufficiently free from doubt to admit of their application without every possible degree of limitation. This constantly happens even to the best lawyers, whose expertness in a particular branch is improved to the utmost by daily exercise, and whose consideration is distracted by no extraneous objects. The attention of an attorney is dissipated by the variety of calls upon it in the course of the day. Any attempt, therefore, to solve the slightest question of law, would require a devotion of time and labour, prejudicial to the rest of his business.



A great deal of confusion arises from the supposition, that what is technically called *Practice*, is the peculiar concern of the attorney, and that he cannot be too well instructed in that division of law. A certain portion of practice is undoubtedly peculiarly his business; but it must be observed, that nine-tenths of practice fall, like the rest of the theoretical part of the law, within the province of counsel. Practice (speaking strictly) is a branch of law composed of legislative enactments; written or traditionary regulations, in some instances common to all the courts, in others peculiar to one, or a few of them; and of rules grounded upon logically drawn inductions from the two first. The learning or difficulty attending a knowledge of practice is little, if at all, inferior in extent to that attending a knowledge of any other department of law. It is a branch which has long had its separate professors\*; and the slight reforms, or rather changes, which have been introduced into our system of procedure, have rather accelerated than prevented the accumulation of "points of practice," and increased the necessity of undivided attention and labour being bestowed upon them. The *practice*, so denominated, which is more particularly the business of the attorney, little more than certain mechanical operations, with which he becomes intimate by frequent repetition. A barrister is consulted, and advises an action, the attorney issues a writ, and has it served; the barrister draws the declaration, the attorney makes a copy and files it; the barrister advises upon the plea when filed, draws the replication, which the attorney copies and files; the barrister suggests the requisite evidence, the attorney selects and summons the witnesses; the barrister conducts the case at trial; and the manual proceeding of signing judgment, taxing costs, and issuing execution, is left to the attorney. In equity proceedings, the analogous steps are performed, in the same way respectively, by counsel or clerk in court, and attorney. In conveyancing, the deeds

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\* In common law, the Tidds, the Chittys, the Archbolds, &c. In equity, the knowledge of practice is nearly exclusively confined to the clerks in court, whose agency is necessary for the technical conduct of every suit. Not one solicitor in fifty has enough chancery business to render him even tolerably familiar with the general nature of the proceedings of that court; but the clerks in court, being very limited in number, have their attention constantly drawn to the practice connected with every stage of a cause.

are drawn by counsel; they are engrossed, and the execution of the parties obtained by the attorney. It is true that there are many cases involving points of practice, in which an attorney acts with safety without consulting counsel, simply from his having already acted upon authority in a similar way, under similar circumstances. This however, properly speaking, is not acting from a knowledge of practice or law. Pleadings, deeds, and the like, are occasionally drawn by attorneys, but it is only at a certain risk, except under circumstances where no acquaintance with the law is required. And it must be remembered that the whole of the question is upon the amount of legal knowledge actually possessed or required by attorneys. As far, therefore, as the law, or its practice, is concerned, it will be found on reflection that every act of the attorney is of a mechanical nature. Upon the slightest difficulty he flies to counsel for advice; and when we come to speak of the other duties and qualifications of an attorney, this will appear to be a most advantageous arrangement. These further duties could not be well performed by the attorney, had he to devote his attention to legal niceties. By this economy of labour a greater degree of excellence is acquired both by counsel and attorney in their respective departments, and thus the public is benefited. Superior skill is of course desirable in the performance even of these manual operations. The mode of providing against a deficiency of it in attorneys, will be discussed presently.

The functions of attorneys already mentioned, are precisely those of the least consideration. We now approach their more important qualifications.

These qualifications consist, first, of natural endowments, such as quick perception, and never failing sagacity; coolness of disposition, combined with promptness of decision; patience and incessant watchfulness, with discretion, unaffected by the suggestions of passion or sentiment. In the second place, they consist of acquirements, such as a knowledge of human nature and of the springs and working of human conduct—of an intimacy with the motives of the daily actions of men in public or private relations—an accurate observation of the order and succession of events and habits of ordinary life; and an acquaintance with the principles prevailing in all trades and pursuits. Endless

objects of minor importance might be mentioned, falling within the necessary limits of an attorney's acquirements, but they will all be found, on reflection, to be comprised within the comprehensive expression—knowledge of man and his transactions with his fellow men. The most minute details must not escape the vigilance of the attorney. His business is ill performed, if he does not view a case in all its possible bearings upon his client's interests apart from the consideration of the principles of law peculiarly applicable to it. An attorney may inflict irremediable mischief upon his client by insisting simply on his legal rights. Every law-suit is surrounded by prudential considerations, frequently not less important to the interests of the client, than the justification of his claims at law, and equally beyond the grasp of his ability from their dissimilarity to the subjects ordinarily occupying his attention. It is with these prudential considerations that the important part of the business of an attorney is connected. While the practical conduct of the suit in most instances is abandoned to the clerk, these require the whole attention and sagacity of the master.

Take the case of a common action. A page or two back, we showed the relative functions of counsel and attorney by slightly alluding to the carrying a case to trial and final judgment, so far as the mere law and practice were concerned when those of the latter did not assume a very exalted character. Let us now view the conduct of an action by an attorney, with reference to extrinsic or prudential considerations. It is the attorney's duty, by a rigorous examination of his client, and a patient investigation of his countless irrelevant statements, to make himself acquainted with the real naked truth of the case separate from all technical views,—with the relative position of the parties and their professed and concealed objects, before he can lay the facts, in an intelligible shape, before counsel for his advice upon the mere law. How much labour, discrimination, address, and knowledge of personal character, as well as of the circumstances attending the transactions of life, does not the proper discharge of this preliminary duty imply? If an action be advised by counsel, from the law being favourable to the client, the attorney's duty is to consider the court and the particular

Judge, before whom the cause may come at its various stages. He has to select counsel with regard to his *general* aptitude as well as *special* fitness for the subject matter of the suit; also in the choice of counsel the partialities of the court or Judge must be considered; but the witnesses demand the principal attention of the attorney. They must be selected with reference to their knowledge of the matter in question, qualified, however, by their being as little as possible aware of any thing prejudicial to the case they are to support—also with reference to the consistency of their several impressions and narratives of the matters they are called upon to depose to; and with reference to their characters, in the ordinary sense of the word, their capacity and courage for relating facts in open court, and ability for parrying the insidious suggestions of adverse counsel. Before a case can proceed to trial the attorney must be prepared to make his counsel intimate with every means by which the testimony or credibility of the witnesses of his client can be defended, or those of his adversary's witnesses impeached. Great discretion is also necessary in their selection, with the view of lessening the expense by reducing their number, and making use of those who are the nearest to the place of trial. In every law suit, a variety of extraneous inducements is held out by the defendant to deter the plaintiff from proceeding; and by the latter, to compel the defendant to desist from further opposition. Every possible influence is set in motion by the parties for these objects. Statements to mislead are put into circulation; steps of an equivocal tendency are taken with the same view, and the interference of third parties, to intimidate or persuade, is often invoked. The client's interests are to be protected and consulted under all the complexity introduced by the disturbing forces just alluded to. Experience, accompanied by ingenuity and penetration on the part of the attorney, can alone protect his client from the varied and incessant attacks of his opponent. Frequently too, at the last moment, is the attorney summoned to decide upon the propriety of bringing the case into court by some tardy discovery, which the client has hitherto hesitated to make, or by some other of the innumerable circumstances transpiring at the eve of trial, and varying in every case. At each step in the cause

fresh occasions for the exercise of prudence arise, rendering necessary some modification in the proceedings connected with it. The question of costs acquires increased importance as the suit advances, and before its termination often usurps the place of every other consideration. Insisting upon or waiving the payment of costs is, occasionally at various stages of the action, the sole point in the question of a settlement between the parties. To weigh particular advantages or disadvantages against a precise amount of money in the shape of costs, is at such a juncture, one of the severest trials of discretion. These observations, here restricted to one instance of the exercise of the functions of an attorney, apply with equal cogency to every occasion on which his assistance is required, however varied the circumstance of the case. Thus an intimate knowledge of the ways of men and of the world forms the first qualification of an attorney, apart from the requisite natural aptitude to wield such knowledge with professional ability. A theoretical or practical acquaintance with the law would be of little avail, beyond the limited degree we have stated. Allowing the difficulties in the way of its acquisition not to be insurmountable, its application to the cases that come before attorneys would consume time and labour devoted, more profitably for the public, to the other demands of their professional pursuits.

In support of these remarks, an appeal might successfully be made to the actual state of the profession in the metropolis and the provinces. We have had opportunities of making personal observations of the qualifications possessed by some of the most skilful practitioners, both in town and country, and our experience will allow us to affirm the total absence, in most instances, of even a pretension to a knowledge of law sufficient to enable them to dispense with the advice of counsel. The skill of the individuals, we allude to, consists in natural sagacity, and acquaintance with the dealings and habits of the litigant classes of society. There are many attorneys who have indulged a taste for legal studies, but their necessarily imperfect progress has always been at the expense of more useful acquisitions, and therefore prejudicial to their clients' interests. Many attorneys, equally in the dark, with the public, upon this subject in general, have

attributed the errors, committed by themselves or fellow practitioners, solely to a want of legal knowledge, and have advised their clerks to wade through a mass of treatises, reports and the like, instead of instructing them in the ways of the world. We lament that one effect of publishing the rules, under consideration, must be to strengthen this prevalent error. Were not that prejudice so commonly entertained, we should regard them as an attempt to stave off one branch of Law Reform, by proposing an ineffectual remedy, not unpalatable to the profession, for evils which require severer correction.

It has already been shewn, that the requisite legal acquirements of the attorney are confined to a knowledge of a limited part of *Practice*. Upon a closer inspection it will appear, that this part of practice consists of very little else, but the performance of certain manual operations, more or less complicated, at appointed times. The interchange, by opposed attorneys, of certain copied forms, to be found in books of practice varied to meet every emergency\*, or the depositing of them at certain public offices in particular stages of the suit, constitutes the most of the practice, technically speaking, of equity, common law, or bankruptcy, within the care of attorneys. Conveyancing, and other general business, are conducted rather by the rules of etiquette than practice. The operations of practice, however mechanical and easy, are, nevertheless, extremely numerous, and the most retentive memory cannot supply the facility afforded by constant repetition. A tolerably attentive, and industrious person, may, in the course of a few months, by being placed in an office of an average amount of business, become thoroughly acquainted with the common routine of practice conducted by

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\* An instance of the minuteness of the directions contained in the ordinary books of practice, may be found in a work much used by the profession, "Archbold's Bankruptcy Practice." The Bankrupt Act requires the bankrupt's certificate to be signed by four-fifths, three-fifths, or nine-tenths of the creditors, according to circumstances. To facilitate the calculations of such fractions, by attorneys, the following rule is given in the 3rd edition, p. lxvii:—"To find out what number is four-fifths, multiply the whole number of creditors by four, divide the product thereof by five, and the quotient will be the proper number. For three-fifths, or nine-tenths, multiply in the same way by three, or nine, and divide by five, or ten. It is the same with respect to value."

attorneys; but immediately upon his attention being directed to other subjects, the knowledge and facility, he had acquired by unbroken diligence, become weakened and are speedily extinguished. There is no fact better established in the profession than the one just mentioned. An examination of a candidate for admission on the subject of practice, in the view here taken of it, can at the utmost be only a security for his possessing, at the moment of examination, a readiness in the various manual performances of an attorney's office. In a few months the whole of it will be forgotten, for any useful purpose, since there is nothing to impress it on the mind. It consists of a multitude of ill-connected and inconsiderable facts, neither direct inductions from any general and important principles, or having the remotest analogy or resemblance with any other series of operations, by which the memory might be assisted. The existence of the qualifications, which we consider to be of much superior importance to attorneys, can hardly be ascertained for practical purposes by an examination. Attainments in particular departments of science, are easily discovered by well directed and searching questions, but it is difficult to find a measure of man's natural sagacity, and knowledge of the world, which is capable of being applied with success in the necessarily short period of an examination. A public discussion of questions started upon the moment might afford better means of developing this peculiar knowledge, although the timidity of some, and the slowness of others, with the difficulty, so commonly felt, of giving force and expression to ideas in public, would manifestly render the adoption of this plan in many cases unjust.—In ordinary life, we well know the obstacles in the way of discovering the soundness of a man's penetration or judgment, and it is not, till we have had the opportunity of frequently seeing him act, that we are enabled to form a conclusion respecting them. A man may converse like a philosopher, but act exceedingly like a simpleton.

Our whole argument, on this part of the subject, is founded on the supposition that the object of the examination, prescribed by the New Rules, is to improve the skill of the attorney in the functions he now has to perform, and also that our estimate of the nature of these functions is generally cor-

rect. If, however, it is intended to require, on the part of the attorney, the possession of the knowledge which is now confined to another part of the profession, a first question arises, as to the expediency of interfering with the present relative position of attorneys and the bar; and a second, as to the adequacy of the proposed examination for ascertaining the existence of such further attainments. The solution of these questions clearly forms no part of this inquiry.

By a careful inquiry into the antecedent habits of an individual, his past industry and attention to business may indisputably be ascertained; but no criterion will be furnished, by which to judge of his conduct in these respects, should a material change be afterwards wrought in his circumstances. An idle, disorderly clerk may turn out a very hard-working man of business. Inattention to the interests of another in the situation of a master, does not of necessity imply equal neglect of the individual in his own affairs. In practice, the result of an examination, directed to this subject, could be nothing but an exhortation to the applicant for admission, to attend with diligence to his clients' business.

We hold, that no security against commission of fraud by attorneys, can be furnished through an examination, except to the degree of excluding from that branch of the profession individuals previously known to have been guilty of dishonesty. Upon inquiry, it will be found that the peculiar temptations, and prospect of impunity, which encourage fraud amongst attorneys, do not present themselves to individuals before their admission. It would be impossible, in the course of an examination of the applicant, to ascertain the aptitude of his mind for resisting temptations and opportunities, of the nature alluded to, at all times and under all circumstances. The most beneficial result of an examination into the morality of the applicant would be the occasional rejection of individuals previously guilty of flagrant misconduct.

We therefore avow our opinion, that the New Rules of Court will not effect any very extended benefit, although we are willing to allow their utility to the limited extent we have admitted. The evils, they are intended to reach, require remedies of a different kind. Before discussing such remedies, however, we shall briefly mention the restraints which exist upon



the neglect of duty, and ignorance of attorneys, besides those furnished by the regulations intended to exclude from the profession individuals of inadequate qualifications. The superior courts of law exercise a summary mode of proceeding with an attorney (to whom fraud or mal-practice, not amounting to direct criminality, is imputed in the way of his profession), by compelling him to answer explicitly by affidavit the charge preferred against him. Manifest guilt is immediately followed by his temporary, or perpetual, suspension from practice; and, if from the circumstances which transpire during the investigation it appears necessary, in some cases, by a criminal prosecution by order of the court. For ignorance, and pure negligence—*crassa negligentia*—an attorney is liable to an action for damages by the injured client, and this is the only means of redress possessed by the latter in such cases. Thus, it appears, that for fraud in the way of business, an attorney is subject to one form of judicial proceeding, whilst for negligence, or ignorance, he is exposed to another. We are of opinion, however, that all complaints against an attorney for breach of duty in his business, whether fraudulent, or occasioned by ignorance or neglect, may, with safety to the interests of justice, be left to the adjudication of a judge, or judges, sitting in public, without the intervention of a jury. This opinion is founded on the following consideration of the peculiar circumstances attending such cases, and their investigation.

One of the first difficulties, in the way of adjudicating cases between client and attorney, arises from the confidential nature of the communications between them, whilst they stand in that relation. Such communications are rarely made known to third parties; regard for his professional reputation imposes secrecy on the attorney, whilst the silence of the client is occasioned by the natural dislike men entertain to publish their private affairs. In the cases alluded to, however, it is essential to the ends of justice, that the representations and instructions of the client, as well as the advice given, and conduct pursued, by the attorney, should be accurately ascertained by the tribunal sitting in judgment between them. Unless, therefore, both client and attorney are examined, the probability is, that, from extraneous evidence alone, the facts would not be sufficiently developed to allow a judgment to be formed.

There results, therefore, the imperative necessity of departing from the ordinary maxims of our common law courts, which are opposed to the admission of the evidence of the parties to a civil proceeding. In the case, before mentioned, of the exercise of summary jurisdiction over attorneys for alleged fraud in their business, by the courts at Westminster, the testimony of the parties is taken; but in actions for damages against attorneys for negligence, or want of skill, their evidence, according to the strict rules of law, is excluded. The reasons for receiving, or rejecting, such evidence, are equally cogent in both instances; and we are indebted to the general forms of proceeding\* adopted by the Courts at Westminster, rather than to the exigencies of the case, that, in the questions of fraud alluded to, the testimony of the parties is admitted, in addition to that which may be considered as extraneous and supplementary. But by an irrational adherence to forms, the courts have pursued a plan of taking such evidence calculated to weaken most materially its effects. The party, who considers himself aggrieved, makes an affidavit, in writing, of the facts, and the attorney gives an explanation by another affidavit, in writing. By an inflexible rule, all further statements by the former are excluded. However comprehensive the allegations of his complaint in the first instance, it is problematical, if he shall put the court in possession of sufficient information to explain or answer by anticipation the facts subsequently advanced by the attorney. By an artful and partial introduction of new matter, which, if properly explained, would, perhaps, be found to be irrelevant, the latter frequently instils doubts into the minds of the court, prejudicial to the justice of the complainant's case. To prevent a failure of justice, it is manifestly essential, that the plaintiff should not be excluded from making further explanations, nor the attorney from replying to them. But as written

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\* Special applications to the Courts against attorneys on the ground of fraud, are made in Term whilst the Courts are sitting in Bank, for the adjudication of points of law. All facts, that are required to be brought before the Courts at these times, are presented in affidavits, which may be made by any party however interested in the event of the decision; Interest in these cases only affecting the weight of the testimony, not excluding it. In accordance with this practice the attorney and complainant both give their evidence in applications of the nature above alluded to.

altercations, however tedious in length, are never in detail sufficiently minute to exhaust the subject they relate to, and as time and money are necessarily consumed in their preparation, that *viva voce* examinations of the parties would certainly be preferable. We are also inclined to substitute this kind of examination for written statements, in order that neither party should be at liberty to suppress, or distort, without instant liability to detection, any fact having reference to the question before the court; and also for those various and satisfactory reasons, which reflection upon the subject will suggest to every one, who has observed a witness under examination in a court of justice, where personal appearance, age, and manner, modify in an endless variety of ways, friendly to the ends of justice, the impression produced by the mere testimony.

The same reasons, that render a client unable to detect the violation of professional obligations by his attorney, operate with a jury composed of individuals equally unqualified for such a task, and prevent their arriving at any very accurate opinion as to his delinquency. Fraud is frequently perpetrated by the wilful performance of some act, the omission of which may, with adroitness, be ascribed to simple negligence, or ignorance; and *vice versa*, the consequences of neglect, or want of skill, often assume the appearance of deliberate fraud. No one, therefore, unversed in the devious intricacies of the practice of the law, can duly appreciate the conduct of its practitioner with reference to a given occasion. We have already suggested the expediency of a personal examination of the complainant and attorney, in cases arising from a breach of professional duties by the latter. Owing to superior skill and expertness, his evidence would be given in a much more convincing, although, perhaps, treacherous form, than that of the complainant. The possession of this undue advantage by the former, could be neutralised only by the discrimination of a judge, his knowledge of the course of law business, and his sagacity in weighing evidence with reference to every possible extrinsic matter by which it is influenced. Jurymen would be misled by the tact and readiness of the attorney, whilst the hesitation of the client, and his abortive attempts to render intelligible what he himself never understood, would only confirm their erroneous views. With superior intelligence, and,

at this time of day it may safely be asserted, with equal integrity, we think the judge a much fitter instrument for ascertaining the delinquency of the attorney in the cases we have alluded to, and of awarding damages, where damages answer the demands of justice. Wherever other punishment is in question, it is, at present, entirely within the province of the judge, and might remain so.

In addition to the restraint thus briefly stated to be put upon the fraud, negligence, or ignorance of attorneys, we would suggest another means of obviating or diminishing the evils arising from those causes. We have already stated the occasion of the facility for the commission of fraud by attorneys, and of the veil that so frequently covers their incapacity or negligence, to be the technical forms and language, which they apply to every question coming before them in the way of their business. This they are obliged to do from the exceedingly difficult and inflexible machinery and phraseology, by means of which our law is brought to bear upon the transactions of life. The whole vice, however, of our legal system lies in a complicated procedure, imagined in barbarous times, and adapted to the laws, customs, and sentiments of ages, possessing little in common with our own days. In the language of sober reflection, Law Reform means scarcely more than the reform of our judicial establishments, and the various forms of procedure, by which, at present, the administration of the law is impeded. The law itself requires but little amendment beyond improved arrangement and expression. Amongst other beneficial consequences of Law Reform in this sense, would be the establishment of a natural and direct connection between the proceedings and language of the portion of practice carried on by attorneys, and the matters upon which they are consulted by their clients. Under an inartificial system of procedure, assimilated to the proceedings in *foro domestico*, where a master institutes inquiries amongst his servants, or a father amongst his children, nothing, but the real question in issue between the parties, freed from all technical difficulties, would engage the attention of the attorney. Instead, therefore, of the enactment of law after law to stimulate the activity and penetration of attorneys in

technical subtleties, or to prevent their turning professional readiness to purposes of fraud, the end would be obtained with much greater certainty by such a reform of the proceedings, as would render them intelligible, of easy application, and unfit to conceal the stratagems of dishonesty.

Further means might be adopted to relieve the client from the consequences of incapacity or breach of duty by attorneys. They might be required, before admission, to give the security of responsible persons, or of a sum of money lodged in safe hands, to answer any damages accruing from want of skill, or abandonment of professional duty. The objections to this scheme may be anticipated, although their force may not be felt. Much might be said of an honourable profession being closed to indigent merit; but it will be remembered, that indigent excellence is excluded from all pursuits of trade requiring capital. It might be urged that a stigma was cast on the practitioners of the law, although throughout the public offices of the country, and in every species of private employment, men of honour and delicacy are required to furnish security, like the one proposed, for a faithful discharge of their trusts. It might be contended, that additional expenses were thrown upon the administration of the law, but we are confident that the public would cheerfully bear the increased burden, if accompanied by an improvement in the integrity and capacity of their legal advisers.

On the other hand, we would throw open the practice of the attorney, or law agent, to every one who felt himself competent to transact that branch of business. We would abolish the long apprenticeships that are so frequently spent in idleness, and profligacy, and all other formal regulations, of which the spirit, if not the letter, is always infringed, and which, therefore, create a mischievous feeling of confidence in the public. We would preserve the recently-revived examination, but would make its agency subservient to the ascertainment of the candidates' past conduct, general education and acquirements only. By these means, we are of opinion, that individuals possessing peculiar aptitude for the practice of an attorney—an aptitude that does not betray itself till an age more mature than that at which apprenticeship in the

ordinary sense of the term begins—would enter the profession to the exclusion of incompetent practitioners, and that clients would have the advantage of increased skill and diligence in attorneys, with augmented security against their want of probity.

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## ARTICLE IX.

*Report from the Select Committee on Timber Duties, together with the Minutes of Evidence.* Ordered by the House of Commons to be printed, 14th August, 1835.

We are about to examine a most grievous instance of the protective or bounty system. The Report of a Committee of the House of Commons has, once more, brought under the notice of the public, the colonial monopoly of the timber trade: and it will be our endeavour, with the aid of that Report, to analyze, dissect, and expound the character and operation of that monopoly, in such manner as shall qualify our readers to form for themselves a clear and just opinion upon its merits.

In order to do this with the more effect, our course will be,—first: to give a description of the peculiar features of this monopoly, by which it is distinguishable from all others, and to exhibit an account of the *cost* of it to the country: and next—to investigate, separately, the cases of the two great parties or interests—the colonists and the ship-owners—for whose emolument this country is called upon to make those sacrifices of its revenue, of its commerce, and of its necessities and comforts, which we shall describe.

The advocates of every case of bounty, or of protective-duty—which is only bounty in another form—always profess to intend the public good. They stoutly disavow, as in decency they must, all attempt to serve particular parties at the expense of the country; and they insist, that whatever that apparent expense may be, which is the first consequence of the bounty, it is money, which will soon be amply repaid through the secondary beneficial effects of the scheme. They assure us, that if the fostering hand of the State be extended to

support the particular object of industry, in its infant efforts, either for origination or extension, it will afterwards go alone, and will thenceforth become, and permanently remain, *one of the staple, profitable employments of the country*. As a caution to these eager caterers of national prosperity, it is not too much to demand of them the admission, that, in calling for such assistance to some new, or hitherto unsuccessful, occupation, they may, possibly, be mistaken in this prospect of its quality—that it *may* happen that it shall prove to be *not so* well adapted, as they imagine, to the local or personal faculties of the country—and that, even under the assumption that their confidence in our ability to attain to the excellence they promise in the favourite trade be well founded, they might still be desired to leave the industrious part of the community to determine for themselves the best sources of profitable employment, and, what is of nearly equal importance, the best times for engaging in them.

Still it must be admitted, that in almost all the cases of bounty, or protection, the prospect of ultimate self-support, insisted upon by their first promoters, has been rationally probable, or at least possible. There may, no doubt, be cases wherein the forced application of skill and industry may prove to be competent to the task of removing or overcoming, in time, the original causes of the *higher cost*:—but there must also be cases in which the cause of that higher cost is of such a nature that it can never cease to operate.

If, with this distinction kept in mind, we examine the protection of the “Timber Duties,” it will stand exposed to view before us, the most overbearing, the most wasteful, the most useless, and the most hopeless of any that has ever been extended to any branch of industry. A plantation of sugar, in Jamaica, enjoys a physical equality with a rival plantation in Cuba. A farm in Essex has even a physical advantage over a farm in Poland. The spindle of the silk throwster and the shuttle of the weaver will obey the laws of rotatory or projectile force in England as well as in Italy or in France. But no power of man, no lapse of time, can equalise, for our use, the position of a forest on the Ottawa with that of a forest in Norway or Sweden.

When the protecting duty was first imposed, in 1810, upon

European timber, there was not the pretence, or even the affectation of the pretence, of the commencement of a trade calculated to be permanent, and holding out the prospect of ultimate benefit as the compensation for a temporary sacrifice. It was not even considered to be a temporary sacrifice, but an immediate benefit. The mischief intended to be cured, was the matter which possessed the quality of temporariness. It was an expedient adopted under the pressure of a present difficulty, arising out of the peculiar occurrences of a state of war; and the encouraging of ships to go to Canada for timber, when it could not be got in the Baltic, was as much a *war measure* as the chartering of a fleet of transports to carry out or bring home a body of troops. All that was *temporary* about the measure, was its immediate utility; all that was *prospective*, pointed to its discontinuance. In short, its necessity was one of those evils of war, for the removal of which, men pray for the return of peace; and the arbitrary continuance of the evil without the necessity, after peace, for so many years, is an act of great cruelty on the suffering people, and not a whit more irrational than it would have been, to have gone on hiring transports, and sending them round the world, though they had no troops to carry.

In the years 1820 and 1821, committees of both the Lords and the Commons reported that no pledge for permanence or long duration was held out; and it was truly said by a witness (Q. 18) before the late committee, "*that the country was not to be doomed to dear timber for ever, because of the Copenhagen expedition.*"

The great grievance of this monopoly is, the heavy cost of it upon the pockets of the people, without the compensating result of a commensurate increase of the revenue. The present duty upon a load of timber imported from the north of Europe is £2. 15s. 0d. At the commencement of the war it was only 6s. 8d. This is an enormous increase of tax upon an article of first necessity: but as the whole amount of this sum, as far as it is received, goes to the national exchequer, and, *pro tanto*, precludes the necessity of some other tax, the consumer may be brought to pay it with cheerfulness. The justice, however, of this high duty assumes a very doubtful



character in his mind, when he finds that if he purchase of course at the same price—a load of timber imported from Canada, only 10s. of his money, instead of 55s., which he equally pays, goes to the public revenue; and that the 45s. is nothing else than a perquisite he is compelled to give to certain individuals. He naturally inquires how it can be, that those individuals can establish such a right over his money: and is so far from finding in the origin of the charge any trace of such a right, that he discovers in its history the fact, that *his* benefit as a consumer under temporary difficulties, and not the benefit of the producer, was intended by the measure.

“ Q. 132.—Are you not aware, from your official knowledge and experience, that the legislature, up to the present period, has always considered this great question as not merely a question of revenue, but as a mixed question, in which the revenue of the country, the colonial policy of the country, and the navigation of the country, have formed important ingredients?—I conceive there are few subjects on which the policy of the country has undergone more change than in regard to timber; the old policy, which I have before adverted to, was that of *supplying the country with timber* at the lowest possible rate, and having only a nominal duty upon it. Then the *Revenue System* was brought in, and all the duties imposed were decidedly for purposes of revenue. Then at another period the *obtaining a supply of timber for consumption* was allowed to supersede every other consideration; and, now, the measure intended for that purpose only, is *turned against the consumer, whom alone it was meant to serve*, and converted into a protective system for shipping and colonies, unnatural to both.”

The same witness is then asked (Q. 133), whether, in 1820 and 1821, it was not treated as a mixed question of revenue, colonial policy, and shipping? and he admits that it was so: but he also points out, that the committees of those years expected, from the measure they proposed, and which was adopted, a very different appropriation, to *those three interests*, of the benefits of the timber trade than that which has occurred. According to their intentions the revenue and the Baltic trade should have had larger shares.

The protecting duty had been 65s.; but still those committees, who treated the magnitude of the colonial imports as an evil, attributed what they deemed the excess, partly to some temporary circumstances, and not entirely to the magnitude of the protection. In recommending a reduction of the protection to 45s., while they expected the cessation of those circumstances to co-operate with the reduction, they

evinced a belief, and a hope, that the north of Europe would, in future, participate much more largely in the trade than it had done; and that the revenue would be proportionately benefitted. Indeed, every man who has any knowledge of the proceedings on the subject at that time must be aware, that the attention of Parliament and the public was then drawn to it, chiefly by the fact of the improper division of the trade, and the *excessive* portion of it which had been forcibly transferred from the old channel to the new one. Since it has been proved that the remedy thus applied has not only failed to correct the acknowledged evil, but has even suffered a great extension of it, the case is clear, that, even upon the principle of the measures then adopted, a new rule of division is called for. The reduction now prepared will still leave a protection of 30s. the load.

We now come to consider the cost to the public of this bounty-fed monopoly. At page 396 of the Report, Appendix X., is an analytical account of all the imports for the year 1833, which may be made the basis of calculations and estimates of various descriptions. From this it appears, that the quantity of fir-wood, computed in cubic contents, was, in that year, rather more than one million of loads. The great articles, fir-timber and deals, constituted 946,000 loads: and of these, 393,000 came from Europe, and 553,000 from the colonies. The actual revenue received upon the first and smaller quantity was a trifle more than 900,000l.; that from the second and larger quantity was not quite 230,000l. The duty upon the log from Europe is 55s. the load, on that from the colonies it is 10s.; and these sums were intended to be the basis of the duties on the deals also. In consequence, however, of an imperfection of the law, the deals are paying on an average full 12s. the load less than is paid on the log; but as it is proposed by the committee, that this anomaly shall be corrected, we shall adopt those duties in our estimates as the effectual charges. It turns out also, that the imports, and particularly those from the colonies, were in 1834 much greater than those of 1833. We shall, therefore, also as a truer measure of the trade, proceed upon the assumption that we receive 400,000 loads of fir-timber

and deals from Europe, and 600,000 loads from the colonies. The account would then stand thus:—

400,000 loads, at 55s. ....	£1,100,000
600,000 loads, at 10s. ....	500,000
	<hr/>
	1,600,000
1,600,000 loads, at 55s. ....	£8,800,000

So that the loss to the revenue on the colonial timber is £1,300,000, or very nearly equal to the whole sum collected. This is the *prima facie* view of the calculation. It may be very true, as is asserted, that if we had only one uniform duty on timber from all parts, our drafts upon the nearer continental forests might have been so heavy as to have raised the prices there against us, and thereby have checked the consumption, and have prevented such a realization of revenue. But the controversy does not pre-suppose, nor is there the slightest probability, that an indiscriminating duty would have been fixed at any thing like so high a rate as 55s., so that we might have secured our present amount of revenue under a rate of duty, which would have given the supply at a much lower price to the consumer than at present. One half the present high duty, if charged only on the present quantity, would give the present produce; and, therefore, the public pay, either in monopoly price, as distinguished from genuine commercial price, or in loss of revenue, the other half. This estimate applies to fir-timber and deals only; but if we include the duties on other descriptions of wood, and also the high protecting duty on foreign staves, we are confident that we do not make an extravagant estimate of a round sum, when we say, that the country pays, in one way or the other, a million and a half a year, as the price of its present scheme of "wood duties."

In all considerations of high prices to the consumer, we must bear in mind the great distinction which exists between high monopoly price, high duty price (meaning duty for productive revenue), and high commercial price; and we ought particularly to do so here, because there is one line

of argument in favour of the high duty on the European timber, much resorted to by the colonial and shipping party, which totally disregards this distinction; and, in so doing, betrays an extraordinary degree of either commercial ignorance, or uncommercial feeling.

The basis of this argument is, a desire, at whatever cost to ourselves, to deprive the foreign producer of his fair price; and it is vauntingly pressed into notice for the purpose of boasting, that our present system has the merit of enabling us to buy our timber the cheaper on the continent. Nobody can doubt that a high duty on an article, levied in a country where it would otherwise be largely consumed, must tend to lower the price of it at its source. But what a strange incoherent mixture of conflicting purposes, as well as contending parties, have we here. A high duty is imposed by one party, for the sole sake of its restrictive effect; and when the other party complains of the consequent high cost, he is answered by being told, that the operation of the duty is to keep down the price. The rejoinder is, that if the reduction of price be effective, the restriction is weakened; and if it be not effective, it is a nullity.

This is the most curious, see-saw argument we ever heard. A rational desire to render an article cheap, would imply a desire to obtain it, for its use, in abundance; but the mode employed for making Baltic timber cheap, is that of laying impediments in the way of the purchaser—a notable device, truly! The advantage of cheapness is to the consumer; therefore, to make the commodity cheap, prevent him from getting at it. Impound the goods in some almost inaccessible situation, till you have rendered its *local* value next to nothing, and then congratulate the persons who want it, upon its very low price.

This exquisite piece of commercial cunning seems to have been a favourite topic with some of the members of the Committee. Accordingly we find them in various parts of the evidence, pushing their examinations in a line calculated to elicit the merits of so delectable a scheme and contrivance.

“ Q. 3837.—In your opinion, does not the existing arrangement of the duties on timber have the effect of keeping the British market supplied with every description of timber, European and Colonial, that is required by the public, and

at moderate prices?—It does give the public that supply, and at moderate prices.”

“ Q. 3840.—What do you mean by moderate prices?—I think, looking at the immensely increased consumption of this country, prices must be deemed exceedingly moderate.”

“ Q. 3844.—You call those moderate prices when we are obliged to pay 50 per cent. more in price, and 100 per cent. more in freight?—Our consumption of colonial timber has so much increased, that it might have been expected that prices would be much higher than they are.”

To several questions on the same subject, a different witness answers in the following manner:—

“ Q. 58.—I think that the plan would raise the price of European timber abroad, insomuch that I should reckon on some loss of revenue from the reduction of consumption of European timber, and a commensurate revival of the colonial supply at the lesser duty.”—“ I think that the price would be raised, and absorb part of the remitted duty. But the consumer need not care, because his foreign competitor would have to pay that price also.”—“ I do not think that high prices affect this country, unless it be high *relative* prices; all we want is, that others shall not buy cheaper than we do; unless the greater price goes to the revenue, which must be provided for.”—“ We see that our consumption has much more than doubled, against an increase of duty from 6s. 8d. to 55s.”—“ If our old system had continued, I look upon it that timber would, by this time, have been an exceedingly dear article in Europe; and the colonies would have been secure of their market.”—“ We should have better timber for our money, and the price would be raised to foreigners. We ought never to have a cheap place behind us.”—“ I do not apprehend that foreign price would be made the cause of change: the wood ought to have its marketable value; and I do not consider that we should, in legislating, seek to bear down the marketable value; we should leave that to its natural course. We want only the right of going to the cheapest market.”

The first of these two witnesses stated himself to be “ a merchant engaged in the Canada trade;” and he, no doubt thinks, that the people of England pay him “ very “ moderate prices” for Canada timber. We are very ready to agree with him that, under a duty of 55s. the load, on timber from its proper sources, the country might have been oppressed by much higher prices than they have been for that necessary article. But we are not at all disposed to take, as our present measure of the fitness of prices, those opinions to which the state of things some years ago gave rise. We reject all comparisons between *present* prices and *past* prices, and will look only to localities of price. The only proper comparisons, are those which are made between present prices *here* and present prices *elsewhere*; and no man shall tell us, that any price is “ moderate” *here*, which

is higher than it is in any *other place*, beyond that degree which is referable to the expense of bringing the article from that place, and to such duty upon it as is paid wholly to the revenue, in aid of the public finances of the state. Out of these limits, moderation of price, if there be moderation, is moderation of plunder.

There are two interests for whose benefit chiefly, and in whose name almost wholly, the British people are called upon to make the great sacrifices which we have been describing. These are the colonists and the ship-owners; and we shall, therefore, enter into as full an examination of their respective cases as our limits will permit. By the term *colonists*, the public mean *emigrants*; by the term *emigrants*, they mean *settlers*; and by the term *settlers*, they mean *agricultural settlers*. What they do *not* mean by either term is, the great capitalists; and, above all, the great merchants. It is very important that these distinctions should be well kept up; for the truth is, that a deception is being practised upon the kind feelings of the people by parties who, conscious that their own pretensions would not be attended to, artfully thrust the cause of the *poor emigrant settlers* into the front of the battle, while, in the assumed character of philanthropists, they follow behind, and silently gather all the spoils.

The emigrants who wish to become agricultural settlers may be divided into three classes. First, our own small farmers or country-bred people, who, despairing of the means of supporting their families in comfort by their occupations in this country, gather together their little capitals, intending to settle themselves upon farms of their own in the new world: next, our industrious labourers, who, by unabated toil and painful abstinence from the comforts of life, are enabled to start, with their modicums of savings, for the same object, in a humbler degree: and last, the poor and almost destitute able-bodied men, just contriving—perhaps chiefly by charitable aid—to clear their passage out. The first of these become at once capital farmers. The second are able also to sit down upon their allotments; some wholly, others only partly masters of their own time and labour, according to the various degrees of the strength of their little purses. The last must be content to work entirely for the first class for a few years,

during which it is in their power to make in the colony that purse, which they were unable to carry with them from home.

The most interesting view, taken by the people of England of emigration to our northern colonies, is that which exhibits the cases of these classes of persons; and, accordingly, great pains are taken to represent the timber trade as an important auxiliary to the agricultural pursuits. Farming and lumbering are declared to be occupations which unite and alternate most conveniently and advantageously with each other.

One of the most common errors upon this subject, into which the people are apt to fall, from want of specific information, is that which supposes the settler to find, in the export of timber to this country, a ready market for the trees growing upon his own piece of the wilderness. The wood upon it is spoken of as a sort of first crop to him, the proceeds of which are to cover the expenses of clearing the land, and preparing it for the crops which are to follow.

Q. 94.—Is it not a fact that the timber, being the first produce of the soil in a waste or natural state, is the first object to which the settler looks for remuneration from his immediate labour?—I understand certainly not; very little timber comes from the grounds taken possession of by the settlers."

Nature has refused the settler this piece of good fortune, having decreed, that the districts which alone are worth the care of the cultivator, are those in which the pine is rarely seen. It may be safely asserted, that not one fir tree in five hundred imported into England is cut from the land of a settler.

But the advocates of the trade, when beaten from this ground, still cling to the interesting case of the poor emigrant settler, and make it furnish a second string to their bow. They will admit, when compelled, that the farming settler has no saleable wood on his own land, or perhaps even in his own district; but then they will say, that there is abundance in other parts, upon which he may advantageously employ himself, insisting, as they do, that he stands in actual need of other employment than that which his land affords; and asserting, that the business of lumbering, supplies him most opportunely with that employment, as a peculiarly apposite auxiliary to the business of farming.

This description of the case of the agricultural settler is as

unfounded as the former. Not only is the wood he finds upon his land valueless in the market,—but also he, of all the farmers in the world, is the last to want employment off his own farm.

The well known difficulty of finding winter work in this country for a portion of the agricultural labourers gives a plausibility to the assertion, that such is the case in Canada and New Brunswick. But it is not so: it is in truth the very reverse; for the peculiarity of the situation of the settler on his lot of land in our northern colonies, is, that he has more work proper to the winter than to the summer. This will be readily perceived, when his case is understood.

Having, at the approach of winter, built his log-house, made his domestic arrangements, and set himself down upon his hundred acres of primeval forest, he commences the clearance of one, two, or three acres of it, according to the strength of himself or family, or of the means he has of commanding the labour of others. The first process is to cut the trees down at about two feet from the ground, or higher if the snow is deep, leaving the stumps and the roots to be stocked up some years afterwards, when their decayed state will render the work more easy, and his leisure will be greater. Having selected and set apart such of the felled wood as may be required for his own use, he places the rest in large piles and burns them, and spreads the ashes over the ground in the spring, early enough for the sowing of his corn, the setting of his potatoes, and the putting in of a few garden seeds, particularly those of the great favourite, the pumpkin.

The trees being of the deciduous kind; and the ground having been at all times covered with them, there is a surface soil so deep, of light vegetable matter, and, for the most part, so clear of weeds and bushes, that the seed is easily raked in by hand, and without the previous process of ploughing, or the aid of draught cattle. Generally a second corn crop, and often a third, is obtained by manual labour; but, if the means of such assistance be at hand, the ground is routed up a little, with a sort of plough, drawn by an ox, in the parts least interrupted by the stumps of the trees. With the last of these corn crops grass seeds are sown, and the piece is kept for hay or pasture, while the stumps and roots of the trees are becom-



ing decayed, so as to be easily removed. Every winter gives its fresh piece of cleared ground for corn; and, as the pieces of grass accumulate, there is in a few years a breadth of land laid down, sufficient for summer's pasture and winter's fodder. Then comes the cow, and the pig, and the poultry; and our settler is finding his comforts increasing about him, and sees his looked-for independence established.

There is something in this system peculiarly advantageous to a labourer, who has acquired the means of supporting himself till he has harvested his first crop. He can go on for many years, without the necessity of draught cattle; his new clearing is, as it were, his fallow of the year, not his crop of trees, as erroneously supposed, or falsely asserted; and his crops of corn and grass, follow in regular succession, as a course of crops succeed a real fallow in the cultivation of old land.

When he has cleared as much land as suits his plans, he has the same ground to go over again, for the removal of the stumps, and for bringing into tillage his earliest pieces of grass. These, to be sure, are not employments for the dead of winter, but he must now have been for some years settled on his farm, and have become far too independent elsewhere, to engage in any work so arduous, and so destructive of domestic life, as that of the lumberer. If his original stock of money be too small to enable him, in the first year or two, to devote *all* his labour to his own land, he works in part on the lands of more fortunate neighbours, and submits, with the patience that poverty prescribes, to postpone a little, the independence which the perfecting of his farm is eventually to secure him.

No two avocations can be more incongruous, than that of the agricultural settler and of the lumberer. By far the greatest part of the timber for exportation is cut in forests, many hundred miles up the great rivers, and far from the agricultural districts; and the farming man, who attaches himself to a gang of lumberers, must totally leave his home for many months. And what will he return to,—where will be his fresh piece of clearing—of what use to him, as a farmer, will be his spring and summer, after a winter so spent?

Here then we have dispelled two delusions. We have shown that the agricultural settler is *not* a seller of timber

from his own land: and that he not only does *not* need the timber trade, as an auxiliary employment, but that it is utterly incompatible with, and destructive of, his proper employment, as a farmer. If these two simple truths could be made generally known, very many persons, who are induced to advocate the timber monopoly, would be detached from its cause.

We have thus far described these settlers rather as what they all should be, than what, in all cases, they are. Our description of them would be true, almost without exception, were it not for the baneful temptations to which they are exposed, by the presence of an adventitious trade thrust upon their country by the force of extravagant bounties received by very different parties.

Of the three classes of settlers we have been describing, the first—that of the farmers in good circumstances—is the one which has to lament the most pitiable, if not the most numerous of its victims to the timber trade. These are the persons whom the great mercantile houses in the trade have raised into the position of the middle men, the necessary instruments of their speculations. When we look around us at home, and see with what eagerness, in this old and experienced country, replete with multifarious avocations, numbers are induced to engage in newly-projected adventures, can we wonder that the exhibition of the English tariff of wood duties to the simple settlers in our North American colonies, and the offer of a loan of money, should enable the great speculators, alluded to above, to inspire many a thriving farmer with the belief that he saw in those duties—the prospect and promise of his future fortune. The relations of these little farmers to the great merchants may be very well illustrated, by referring to those between the little publicans and the great brewers in this metropolis, where the brewer gave credit, the merchant lent money, and each equally protected himself by securities, taking priority over all other claimants. The Canadian farmer, adding to the merchant's tempting loan all his own savings, and availing himself of all the credit he possessed in the country to increase his effective capital, erected his saw-mill, hired his gang of lumberers, took his share of the treacherous contracts, and

embarked himself, his family, and his fate in the timber trade. Foreclosures of mortgages and sales of farms have attended the usual windings-up of the affairs of these misguided men. The great and prior creditor becomes possessed of the real property upon easy terms; and, like his prototype the great brewer, soon finds a fresh adventurer ready to perform, for a few years, the part of his reckless predecessor. All these sufferers have now before their eyes the evidence of their error, in the continuing prosperity of such of their friends and neighbours as had not yielded to the same temptation. Will the good people of England, we ask, consent to be heavily taxed on one of the first necessities of life, for the sake of producing such consequences as these to the parties whom they mean to serve? Will they sacrifice their own money, and immolate these people, to the moloch of a few great firms of mercantile houses in the colonies?

The lower and labouring classes of the settlers and emigrants are, in their station, equally drawn from good into evil, by the allurements of the timber trade, the curse of their elected country. We have already shown that the man who can support himself, even in part, while he works, though only in part, upon his own ground, destroys all his best prospects; if he leaves that ground to join the gangs of lumberers. And the man who crosses the Atlantic with nothing but his "stalworth limbs"—had far better fix himself in an agricultural district, or go upon some of the public works, than betake himself to lumbering. We were once told by the late Colonel By, of the engineers, who made the Rideau canal, that many of his men saved enough, out of the earnings of one year's work, to settle them in their little farms: and that one man, who was intent upon the object, failed to effect it in two years. The habits acquired in lumbering, tend to the squandering rather than the saving of money, and unfit even the careful individual for the monotony of a fixed residence, and a steady local employment. But the man who accumulates his little capital while working for a farmer, acquires, at the same time, both the habits and the practical knowledge which are to make that capital of double value to him.

It will here be asked, if all go to farming, who are to be the customers for the corn, and other produce? We feel that

this is a serious question, and shall enter upon it presently: but, following up the train of observations we are upon, we shall examine it now only with reference to the supposition, that if the colonial timber trade should be materially reduced, there might be a want of employment in the colonies for that portion of our own labouring people who are destitute here, solely because they are in excess; and who are therefore assisted to emigrate with the view of reducing our population down to the home-employment point. For the sake of argument, we will concede that emigration is the outlet for clearing our workhouses at home. But then we shall ask—do we not mean thereby to get the paupers off our hands? Do we not expect that we are removing them from a place where they are supported without work because there is no demand for their labour, to a place where their labour is wanted, and will support them? Certainly it is under this impression that efforts are made to assist able-bodied paupers to emigrate to Canada; and the well-meaning part of the community are induced to join the interested advocates of our system of timber duties. But what would these well-intentioned persons say, if they found that, so far from the country's getting the surplus labour off its hands, we are only moving the workhouse from England to the Ottawa; and remitting thither, or wasting, for the keeping up of that workhouse, ten times as much money as it would have cost us at home. Taking this case by itself, and it is a distinct question, it is a very plain case. The country gives a bounty of 45s. for every load of timber imported from Canada; if, then, our expatriated labourers find work in Canada, *only* because that bounty is given, the person who votes for the continuance of that bounty, *only* for the sake of those labourers, is making the worst bargain that ever was heard of. He cannot fail to perceive that an exceedingly small portion of the 45s. falls to those labourers, and that, consequently, by keeping them at home he would save the difference. There never was so absurd an idea as that which supposes that our pauper emigrants are off our charge, while we are sending them to parts at which natural employments, furnishing their own returns, cannot be found for them; but where, in the want of such employments, we are creating artificial employments for them at very heavy cost to ourselves.

We now come to the inquiry which a little above we postponed—namely, what must be the state of a country where all are growers of corn, and where there is no adventitious employment supporting a superadded population, to be, as to corn, consumers only? This, with respect to our North American colonies is, we have said, a serious question; unless their facilities for growing corn be such as to secure them an advantageous market in exportation. If they have that market, the question is satisfactorily answered. If they have it not, and at the same time they can find no other article for exportation, then, indeed, although they may preserve existence, it will be a very uncomfortable existence, because, under such an hypothesis, they cannot command the products of other countries, except only in the most limited degree. A people so circumstanced would, from necessity, force a sale abroad of some *small* quantity of their corn, which, though they stinted themselves of food by so doing, they would consent, nevertheless, to exchange for a *small* quantity of those other necessities of life which they could not make for themselves, and without which they would hardly live.

Now this is just the predicament in which it is asserted by the advocates of the timber trade, that the colonies would be, if this country should not consent to continue paying those large bounties on their timber, by the force of which alone they are said to be furnished with an exportable article in return for European manufactures. But this case, no doubt, is greatly over-stated.

In the first place, we do not believe that the climate and soil—both or either—are so unfavourable to agriculture as that the labour of a man, for that is the hypothesis, will barely produce his own food. The history of the colonies is opposed to such a supposition. The Canadians were making great progress long before the year 1810, and before a timber trade to England was thought of; and yet the place of their location in Lower Canada is by no means to be compared, in respect of climate, or even soil, with the more recent settlements in Upper Canada. Every man really acquainted with that part of the world knows, that the soil and climate of British North America, from the settlements on the north-west

side of the St. Lawrence, and along the Ottawa, westward, to Lake Huron; and southward, to the Lakes Erie and Ontario; and again, to the American frontier of New Brunswick, as far as the river St. Croix, will, with common cultivation, yield and ripen, in great perfection, and in full quantity, all the corn, vegetables, and fruits, grown in England, and even some others, especially Indian corn. In such a country, with land, the fee-simple of which would be a very low rent for it in England, and where trifling taxes cover all the public expense of the state—where there are no tithes, no poor-rates—how can there be a difficulty to the production of a quantity of corn beyond the consumption of the producers, giving *some* surplus to exchange for *some* supply of those manufactures, which are, of course, produced cheaper and better in the old countries of Europe.

We must here dwell for a moment, to remind our readers that there is no intention of annihilating this timber trade; but only to reduce a small portion of the immoderate bounty by which it has been driven to a most unwholesome state of excess. Again, it must be remembered that there is such a place as the British West Indies, which, although a little nearer the United States than Canada, is, unlike England, much farther off from the Baltic.

It was stated in the evidence, that one-half of the timber trade of the colonies is for the British market; one-fourth for the West India market, and one-fourth for their own use. If, therefore, the British trade should be reduced by one-fourth, by throwing out a quantity of rubbish, the whole of their favourite occupation would only be lessened by one-eighth. The recommendation of the committee to reduce the duty on European wood from 55*s.* to 40*s.* the load, will apply only to the log, which is about one-fourth of the whole quantity, as the deals are, in fact, paying only about 42*s.* the load, and they constitute the other three-fourths. The average duty collected on European deals and timber together, is found to be 45*s.* 10*d.*; so that if both be charged 40*s.* the protection, which now gives the colonies three-fifths of our wood trade, will be reduced by only the trifling difference of 5*s.* 10*d.*; and if this view of the average be rejected, then the answer is,

that the protection to the deals, the most important branch, is scarcely touched.

But those who object to any change declare, that even a small reduction of the protective duty will go far to exclude the timber from this market, *and that the colonies really have no other article of export*; just as Newfoundland has none but fish. Then we will try the question upon this issue, and see whether, admitting the fact, it is proper that the British people should pay a million and a half a year, in order that the inhabitants of some distant, inhospitable, unproductive soil and climate, may be able to export wood or stone, or some such wild gift of nature, to the amount of, perhaps, a hundred thousand pounds, for the purchase of foreign commodities. We allow here a very large sum as the clear gain of the colonies necessary to enable the agricultural settler to obtain foreign supplies; because, in this estimate, the gains of every man, besides the settler, constitute a charge to be deducted from the gross amount.

A member of the committee seems to have taken some trouble to show, that the province of New Brunswick was in this state of worthlessness.

"Q. 96.—Is it not, in fact, almost the only trade carried on by the provinces of New Brunswick with the mother country?—I imagine it must be, for I know they import their flour and pork from the United States, which shows how much they neglect agriculture."

"Q. 106.—What other means do the colonists of New Brunswick possess of making returns to this country for the manufactures sent them but the lumber trade?—I presume that they contemplate agriculture."

"Q. 107.—You mean prospectively?—The emigrants are supposed to go there to settle for agricultural purposes. To the fresh men it is prospective: but those who preceded them; might by this time have produced corn enough for their home market; but they are still fed by the United States." • •

"Q. 108.—You have stated, from your knowledge, that they import their corn at present; do they now possess any other means for making returns to this country for the manufactured goods sent them but the timber trade?—I am not aware, except ashes, perhaps, and not even that in New Brunswick."

"Q. 109.—The export trade in New Brunswick is confined at present to the export of timber to this country: is it not?—I fear that is but too true; but considering that the trade is supported by the protection of 45s. a load, and that not, perhaps, more than 2s. of that 45s. goes to the settler as the value of the tract, and that out of the 2s. he has to buy his flour of the United States, his share of the manufactures, which are the returns for the timber to New Brunswick, must be very small."

" Q. 110.—What, in your opinion, would be its effect on the support of the emigrant population going there, in the present incipient state of agriculture?—It would prevent his being diverted from agriculture, which ought not at this day to be incipient in New Brunswick. We should hardly pay 45s. a load on our timber to put a man in New Brunswick in the way of living upon American corn with 2s. of it."

Had the object of this member of the committee been, to have exhibited our connection with New Brunswick as altogether ruinous, and had he intended to have followed up his exposure of its character with a proposal for abandoning the colony, he could not have chosen a better course than that which he pursued, for the purpose of laying the foundation of such a proposal.

Now this is the very point to which we are coming, and we do unhesitatingly assert, that if the accounts given of this timber trade by its advocates are true, so far are those accounts from furnishing reasons for continuing it by means of the present enormous bounty, that they must lead every rational man to turn round and declare, that our only course is to make the best retreat out of it that we can; and to begin immediately to take measures for its early and final abandonment.

As the tempting bait of a "market for our manufactures" is thrown out in the examination we have been quoting, we must give a few extracts from the evidence of another witness, evidently of different sentiments from the last quoted, on this subject of protection, and of *mutual* trade.

" Q. 2386.—At what do you estimate the protection given to British manufactures?—It varies from 7½ to 30 per cent."

" Q. 2387.—What do you call the shipping price of the principal export of New Brunswick; namely, yellow piece timber?—About 20s."

" Q. 2388.—The protection given in respect of duty to American timber is 45s., is it not?—It is."

" Q. 2389.—That is 22s per cent., is it not?—As it is computed in the question now put, certainly."

" Q. 2390.—You think that 22s per cent. protection upon colonial timber is only a fair equivalent for the 7½ to 30 per cent. protection upon British manufactures?—I do."

" Q. 2391.—Will you explain how you arrive at that conclusion?—I conceive that neither 30 per cent. nor 22s per cent. is of any value in the present case, as far as numbers are concerned, for there is no magic in 30 or 22s, but that the object is to get an adequate protection—such a protection as will ensure the two countries dealing with each other." \* \* \* "What is required in justice to both parties is an adequate protection."



Being afterwards pressed *hard-up* with the question, whether he would give 500 per cent. he fairly states, that the *right* sum is that which is *enough*. In another part (Q. 2256), we find this gentleman stating, with great delight, that the lumberers will "give so high as 10*l.* a ton for hay." Hear that, O ye landed interest! and when you have occasion to build, or to repair buildings, with timber paying 55*s.* a load duty, instead of 6*s.* 8*d.*, as it did before the war, bear in mind, that in paying that enormous tax, you are enabling a brother farmer in Canada to get 10*l.* a ton for his hay; and, perhaps, this brother farmer is some man, for whose passage you had once burdened your poor rates, in order to avoid the future cost of maintaining him as an able-bodied pauper at home!

At another time this gentleman is asked how it should happen that a saw mill, which in Norway would cost only 40*l.*, is valued in New Brunswick at 1000*l.*? "Oh," says he, "you forget the value of the water-power." Only think, what a water-power in a wilderness must be worth, for sawing deals for a bounty of 45*s.* the load! And he is not the only witness who has let us into this secret of the manner of estimating the capital in saw-mills. Well might Mr. Montgomery Martin give two millions as the valuation, as intimated in one of the questions on this subject (Q. 92), if he included the value of the natural water-falls. We wonder at how much per horse-power he appraises the "good-will" of a river in North America. Oh! for a Rennie or a Telford, to compute us the value of the Falls of the Niagara. Manchester, Leeds, and Glasgow, are you sleeping, that you do not secure the moving powers of the Niagara, while they are yet to be had, and before your coals begin to fail?

But besides their extravagant accounts of the saw-mills, we have from some of the witnesses the most lively and graphic representations of the scenes of business, and bustle, and active employment, on the rivers, and in the timber coves, and at the quays, and in the shipping ports and towns adjacent, as the consequences of our timber duties. And so much the worse, say we who have to pay for it all. But how can it be otherwise? Six hundred thousand loads of wood cannot be got together, and hewed and squared into logs, or sawed into boards, for shipment, without the employment of many hands,

and those hands acting subordinately to a variety of masters in different branches of the business. To an ordinary observer, there would be no difference between the cheerful active industry of the well-paid people he would see about him, in the shipping season, at Quebec, and those whom, at some other occasion, he had witnessed at one of our own thriving ports, or manufacturing towns. But under all this seeming similarity, how immense the difference between the two cases—just the difference between *spending* money and *getting* money. Both excellent in their way, provided the distinction be kept in view: but to mistake spending for getting, would soon make bankrupt of the *trade which had not the public pocket to draw upon*. We can find plenty of examples of prodigal expenditure very profitable to the persons employed, without crossing the Atlantic to seek for them. Let us, for instance, match Newmarket in the Easter meeting, against Quebec in the shipping season. In the place of hewers and sawyers, and raftsmen and lumberers, we have only to suppose trainers, and jockeys, and ostlers, and innkeepers; the timber coves and wharfs, are the training stables and the hotels; and the shipping may be represented by stage-coaches and post-chaises-and-four in abundance. In the case of Newmarket, all is acknowledged expenditure, but with the pleasures of the race in return. If the people of England are amateur timber-cutters in imagination, well and good—they, then, have their return like the visitors to Newmarket, but not else; and of this our readers may rest assured, that if the country did not possess that redundant opulence, out of which such places as Newmarket, Brighton, and many more are supported, it could not amuse itself with *gentleman* saw-mills and timber coves in Canada. Away, then, with all this fulsome description of the business and activity produced by this ruinous occupation in the colonies; and say at once, that they are out-poor-houses to England, whose able-bodied paupers are *there* “digging holes one day to fill them up the next,” in order to keep them from idleness *here*. We wish that the practice were a little closer to the analogy than it is; for instead of “filling up the hole again” we incur an additional expense in uselessly carting the earth to a great distance. Let us suppose the timber felled, rafted down, hewed or sawed, and on the wharf ready for shipment,

with all the charges for these operations cleared and paid—and then, instead of sending ships to bring it away, the most economical thing we could do would be, to burn it on the spot, and send the workmen back to prepare another quantity, to make another bonfire the next season. And we might propose the same end at home for the ships,—half of which, before they are fitted out for the voyage, are hardly worth the bounty on the cargoes they will bring back: and their crews are really wanted for the Navy.

In the foregoing examination of the case of the colonists, and particularly of the agricultural settler, we have carefully avoided to blend the case of the ship-owners, whose charges for freight form no part of the colonist's profit, but are a burden upon him. We will not allow the colonist to plead the case of the ship-owner, except incidentally, when desiring for his own sake an increase of his bounty, in order to enable him to pay the heavy freights of his timber, without which, he will not be able to forward it to our market. The magnitude of those freights are his grievance, and it would perhaps alleviate that grievance, if he were allowed to employ foreign ships, as well as British ships. It is very true that, as the matter stands, the two parties find it their interest to combine, in the present matter, for the sake of the common plunder of a third party; but remove the object of that plunder, and the two interests are natural enemies; the supplier of the distant article of merchandise must, on the one hand, desire the cheapest possible freight for it; and on the other hand, the ship-owner must be anxious to procure, on the best possible terms, every commodity which is necessary to his particular trade; he will go any distance, with pleasure, to fetch timber for other people, at a remunerating freight; but when he wants timber for himself, he will wish to have the liberty of going to the nearest place for it.

The third party, the plunder of whom reconciles these two naturally conflicting parties, is the general consumer of timber; to him, the extra freight of the longer voyage is sheer waste; and the question is, whether it is not waste to the country also. We think that it is an expenditure decidedly wasteful to the nation, and such as cannot be justified upon any trading or commercial principles; we utterly repudiate

the political economy, which pretends to show the national advantage of giving two pounds to a fellow subject, instead of one pound to a foreigner, for the same article or service. The man who actually pockets the additional pound, is the only fellow-subject who is personally benefitted; the country loses by the transaction; particular profits to individuals may come readily enough out of waste, but national profit never.

But there are exertions and expenditures, the *proper returns* for which are not pecuniary profits. The loss of time and money attending the regulations of quarantine, subtract much from the profits of some commercial adventures, and raise the prices of the merchandise; but they yield benefits, in the health of the people, which are deemed to be ample equivalents for the cost. The *necessity* of their charge is deemed a grievance, and no one ever thought of proposing to put *all* ships under quarantine as a lucrative proceeding, because the money was spent in the country. In like manner, it may possibly be the fact, that the naval strength of the country should require a large portion of our mercantile marine to be employed in some peculiar trades, although upon wasteful voyages, which bring great mercantile loss upon the public. But we deny that this plea is available for the defence of the Canada timber trade; we totally repudiate the belief, that the legitimate profitable trades of this great commercial country are not *adequate to all the purposes, for which the navy of the state seeks its resources in a mercantile marine.*

According to the representations constantly made by the ship-owners, the peculiar value or utility of the timber trade to them, is, its fitness, as far as it goes, for the reception of their old and degraded ships: and so much do they treat it, on this account, as the most important branch of their business, that all persons who, during the last fourteen or fifteen years, have had their attention drawn to the proceedings of the shipping interest, are well aware of the curious fact, that every complaint of that body—let it begin at what branch of the question it may—always winds up with the cuckoo song of the timber trade, and its insufficiency, of late years, to find employment for the cast ships of their other trades.

There can be no doubt that it is a beneficial thing to

*possess* a trade in which our merchant vessels may be able to earn a few freights between the time when they have ceased to be fit "to carry dry cargoes," and the time of their being broken up. Nobody will deny this: but then it is *one* thing to have such a trade falling naturally to us, and *another*, to create such a trade by force, and at the cost of five times its value. The freest possible admission of its importance, does not justify the purchase of it at a most excessive price; much less, after that price has been given, will it justify the discontent at its *quantity*, so clamorously and indecently put forth by the ship-owners. The true questions at issue are—first, whether there is not a very large quantity of this trade;—second, whether the present quantity does not greatly exceed that of former times;—and third, whether, if it prove that *that* quantity has been enormously increased, and yet is insufficient for its present purposes, the cause of the defect does not lie in the false measures of the ship-owners, and in their mismanagement of their business in some matters which operate upon the case, and at the same time rest entirely with themselves.

Previous to the war, and for the greater part of it, our imports of fir wood, in various forms, may be taken at about 400,000 loads a-year. It is now much more than 1,000,000 loads. At the former period, the whole came from the north of Europe, and about half the carriage, or 200,000 loads, was in British ships. The European trade stands now much in the same position, both as to extent, and as to participation of carriage; and the additional 600,000 loads come from the colonies. Now, it is admitted on all hands, that one voyage to America is equivalent to two to the Baltic; so that, in estimating the quantity of the timber trade with reference to the carrying trade, the ship-owners of the present day have 1,400,000 loads—that is 600,000 colonial wood counted twice, and 200,000 European—where their predecessors had only the last mentioned 200,000. Here, then, is an increase in the proportion of fourteen to two. Our general shipping and carrying trade has not increased in this proportion, nor anything in the remotest degree approaching to it. Deducting the timber at both periods, the other trades have not been doubled, so that we have of the timber trade a quantity equal

to fourteen, where four would have preserved the accustomed proportion. That is to say—if the timber trade was formerly to the general trade as one to five, it is now as seven to ten.

It has been observed above, that the peculiar value of the timber carrying trade consisted in its fitness for the employment of ships, after they had become disqualified for the carrying of superior descriptions of goods; the question, therefore, why such a superior trade, which has been only doubled, cannot find a sufficient receptacle for its cast ships in such an inferior trade, which has increased sevenfold, leads immediately to the further question—why does that superior trade cast so many ships?

Two remedial measures lately, and far too tardily, adopted, furnish from their histories the best answers to this question. We allude first to the Act of 1834, for correcting the former erroneous mode of measuring ships for their tonnage; and next to the new and improved system established at “Lloyd’s” for registering the qualification of the merchant vessels, as the guide to the under-writers by which they may determine the premium of insurance in every case.

The old rule of admeasurement would give the true tonnage of a well-proportioned ship, by taking some only of the dimensions necessary to the computation, and assuming the other dimensions from them. It was, consequently, in the power of the builder to falsify these assumptions, by contracting the ship as much as he chose in the parts which were to be measured, and extending her in the other parts; and he had a great temptation to adopt this course, because the measured tonnage, and not the real capacity of the ship, is the ground of charge for all duties and port dues. The symmetry of the ship, and all those good properties which depend upon correctness of form, were thus destroyed; and it will be readily conceived, that such a ship must be less able to contend with the dangers of the seas than a well-formed ship, and must, consequently, be subjected to a premature old age.

About fifteen years ago, a commission of scientific men was appointed, to determine on a mode of measurement, which should get at the actual capacity of the ship, let her form be what it may. Such a plan was accordingly suggested in their

report; and Mr. Huskisson did all that lay in his power to induce the ship-owners to consent to its adoption. He introduced it into a bill, then in the House of Commons, for the registering of British ships; but he had not the nerve to persevere under the clamour which was raised against it, and he withdrew the clause. The violence of the opposition came from the owners of the worst-built ships. In the session of 1834, Mr. Poulett Thomson was enabled to carry through parliament the Act to which we have alluded: but the long postponement of this remedy of great and glaring evils was the act of the shipowners themselves.

There is no doubt, that the bad symmetry of our merchant vessels is one of the faults of our naval architecture, which make it impossible for our ships to retain for many years their station in the superior classes. The other cause of degradation, to which we have already referred, is of much more powerful operation. To some of our readers the plan and principle of "Lloyd's Registry" are familiar: to others, the very term will be unknown, and therefore we shall make them acquainted with the subject, which we have, as yet, only introduced; by saying that it is a registry of the qualification of merchant ships, kept at Lloyd's Coffee-House, the great mart of marine insurance, as the guide to the underwriters.

In this registry the vessels are marshalled in certain classes, under certain established symbolical designations,—such as A. 1.—E. 1. and other combinations of letters and numbers; and the premiums of insurance applicable to different vessels, engaged in the same season upon the same voyage, vary in their amount according to the classes in which they are respectively registered. The ship in a lower class must yield to the merchant, out of the freight on his goods, the excess of premium to which he is thus subjected; and this reduction is, in many cases, so destructive of all profit as to exclude the lower classes from the superior branches of trade.

The information intended to be given by this registry, is of the merits of the ship—the quality of her build—the state of her repairs, and all other points of her condition by which a judgment may be formed of the greater or less degree of average probability, that she will arrive at the end of her voyage. To furnish such information an accurate

knowledge of the existing state of the ship is necessary; and as this can only be obtained by frequent surveys, a body of able, confidential, and well-paid officers are requisite for that service. It is not enough to say, that the ship-owners have, till lately, refused to incur the expense of such an establishment; *expense* was not the only objection, for its formation was also retarded by the opposition of parties among them, who, as is the case in all trades, had found a method of working the mischief to their own peculiar advantage. In defect of such actual knowledge, the registrar proceeded upon certain assumptions; and, according as the circumstances and history of the ship furnished the criterions for those assumptions, she was placed in a *higher* or in a *lower* class. The chief criterion was age; and for the purpose of keeping on the safe side, a very low age was adopted. The rule was inexorable; and, at the end of the term assigned, the good sound ship was as certainly degraded as the ship whose timbers would hardly hold together till her allotted time had expired. The first consequence of such a rule was, that men built ships as they would build houses upon short ground leases; and the reason for not incurring the cost of substantial repairs, as the term wore away, was as strong in the one case as in the other. Besides, ships so built are less susceptible of beneficial repairs than they would have been if the builders, at the time of their original construction, had acted under a different expectation.

Through the operation of such a system as this, the upper classes of ships were perpetually overflowing, in rapid succession, into the classes below them; and creating an excess of the lowest grade, which could obtain no relief from the glut except in the yard of the ship-breaker. The demand for first-class ships for the superior trades was not lessened by these absurd reductions of their particular numbers; and thus a large quantity of new-built ships, not wanted in the aggregate, was annually forced into existence by the necessity of supplying that demand.

The number of ships built since the war, computed in tonnage, form a total very nearly equal to our whole mercantile marine at this day, unduly enlarged as it is by the system we are discussing. Yet it must have happened,



from the nature of the war, that the peace commenced with a surplus. Assisted by a decrement which requires a total renovation in about twenty years, it is clear that nothing but a little patience and forbearance on the part of the trade is ever wanting, to let the undue number die off, and thus to remove the evils of an incidental excess. By their own miserable management, however, this forbearance from building fresh ships was rendered *impossible*;—the “prudential check” could not be applied; and the trade was kept in a perpetual state of hopeless redundancy, which even its “vice and misery” could not keep down. The “timber bounty” has been to the alms-begging shipowners what the “allowance system” was to far more pardonable paupers, and the analogy is as strong in the remedy as in the evil. An efficient “Lloyd’s Registry” is at last established, and we have the most sanguine expectations of its beneficial consequences.

It was observed by one of the witnesses before the Committee, (Q. 129) “We possess iron and coals, and we have not got wood; our case would be complete with the three. We act towards *wood* as France acts towards *iron*.” To whom, we ask, is the possession of wood of more importance than the shipping interest? Here, then, is another part of their noxious scheme of self-aggrandisement, at the expense of the best interests of the country, and even re-acting against themselves in no small degree. They compare in their minds the *one* benefit of good and cheap timber to themselves, with the *other* benefit to themselves of a long carriage, of bad and dear timber; and they submit to the evil of building bad ships at a great price, instead of good ones at a low price, rather than take their fair chance, with the country at large, in the benefits of a full development of its natural energies.

Now let us for a moment suppose that we had, after the necessity of the deviation had ceased, reverted to our older policy, of giving the country foreign timber upon the best terms, in addition to its indigenous productions of coal and iron;—that our rule for taking the tonnage of vessels had never held out a temptation to spoil their form;—and, also, that the manner of conducting marine insurance had been such, as to induce every man first to employ the best materials and the best workmanship in the building of his vessel; and, afterwards,

to preserve her condition as long as he could, by means of the most effectual repairs. Let us, we say, set these considerations on one side of the question; and, on the other, the postponement, till it was wanted, of the colonial wood-trade. It is clear that the shipowners, for their own good alone, have taken the worst course of the two. They have certainly, by that which they have pursued, greatly enhanced the difficulties of competing with their foreign rivals in other trades. The waste of shipping must throw a heavy loss on some party; and in whatever degree the shipowners are exposed to foreign competition they are, in that degree, balked of their design that it should fall on the people. The magnitude of this waste must enhance the cost of insurance, and thus fall back upon the shipowners; while the excessive quantity of ships annually built, must greatly encourage competition among themselves.

Increased as the difficulty in competing with foreigners is by their own bad system, still the quantity of the carrying trade, in which they are exposed to it, is comparatively small. The coasting trade is entirely their own. In the colonial trade, and in all voyages between British port and British port, in almost all parts of the world, there is no foreign interference; and a very large portion of our trade with foreigners is with countries, having no shipping, and from which the ships of other foreign countries are excluded. The Norway trade (which, on account of the shortness of the voyages, is not of much value) the British ships never had to any extent. They have all along stood their ground well with the Swedes; and the Prussians after a hard struggle, are beginning to yield. The shipping of Prussia is on the decline. The Russian ships have never stood any chance against the British: and the Dutch have had the folly to throw the trade with Holland into our hands. There is no pretence that we cannot keep pace with the French, the Portuguese, and the Spaniards, upon equal terms—in short, there is no branch of our commerce, except that with the United States of America, which either is not important, or which is not almost wholly possessed by our own shipping. Give but the British ship-owners fair play, only “save them from themselves,” and nothing but that species of cupidity, which

cannot bear to see a single farthing pass by its own clutches, would be able to suggest even the semblance of a complaint.

The general account which we have been just giving of the field of employment for our merchant shipping,—even under the operation of the system of reciprocity to which the ship-owners choose to attribute grievances of their own creating—of this, we say, mighty field of employment may be the basis and introduction to the few remarks which we can find space for on that part of the subject of navigation which concerns our naval superiority.

Mr. Huskisson did not *volunteer* the reciprocity system; he would willingly have left other countries to have slept on, in their former supineness to our navigation laws, had they been disposed to do so. When he held out the hand of equal privileges, he did it in order to avoid—what he saw was approaching—a state of universal intercourse, the most hostile imaginable to commerce. Nothing, hardly, can be more anti-commercial than restriction in navigation. The basis of commerce is the diversity of productions in different places: this creates the necessity of moving those productions, in order that they may be universally enjoyed; and the first desideratum of commerce, which undertakes their distribution, is the *facility of the removal*.

Navigation, therefore, is subservient to commerce; and clear and strong should be the grounds of that institution, which should be allowed to reverse these relations. The necessity to us of a *certain* quantity of mercantile marine is fully admitted; and the question is—have we not enough of it?

Mr. Huskisson, to the honor of his great name, has left behind him ample proof that he well considered the subject of reciprocity with reference to the *adequacy* of the *degree* of maritime strength which would be retained for the country under the operation of a system which he saw so much occasion to introduce: and his disinterested and statesman-like opinion upon that subject ought to prevail with the public over all the clamour which a body of interested traders may choose to raise against his measures. He explicitly stated to Parliament the grounds of his proceedings. He exhibited a comparison between the present peace establishment of our navy and its condition at the breaking out of any of our wars; he com-

pared the present navies of the other nations of the world with former foreign navies at those epochs; and he brought out the gratifying fact, that our superiority is far more decided than it used to be. He then showed that, exclusive of any trade we might hope to acquire by carrying on a war of duties with the rest of the world, the present quantity of our mercantile marine was far beyond what it had been in those former times, when it was deemed adequate to all the purposes for which it was fostered by any direct assistance from the state. In short, he convinced the House that "navigation" was satisfied, and that "commerce" could be safely re-admitted to claim its rights. Where is the disinterested man who, upon trading principles, would sacrifice commerce to navigation?

Let us put one more question.—Suppose that, for some reason, the protective portion of the timber duty were levied on buildings, and collected, half-yearly, from door to door; and that the produce were distributed in bounties to the shipowners and colonists.—With what temper would a sum, quite equal to the late house tax, be so paid for *such a purpose*? The mode of collection and distribution does not alter the case;—and yet people, who almost rebelled against the house-tax, seem to court the charge of the timber-tax!

## ARTICLE X.

*Notes addressed by the Plenipotentiaries of Austria, Russia, and Prussia, to the President and the Senate of the Free Town of Cracow. Dated the 9th and 16th of February, 1836.*

*Proclamations of General Kaufman, Commander-in-Chief of the Allied Troops on the Territory of Cracow. Dated the 17th of February, 1836.*

*Nouvelle Constitution de la Ville libre de Cracovie. Dated the 30th of May, 1833.*

*Debate in the House of Commons on the Questions addressed to the Secretary of State for Foreign Affairs by Sir STRATFORD CANNING, on the 18th of March, 1836.*

IN our number for last October, we laid before our readers the motives which then appeared to us sufficiently powerful

for inducing the British Government to send, without delay, a diplomatic agent to the free town of Cracow. We urged this measure as much with a view to future changes, as to the performance of the obligations imposed upon us by the treaty of Vienna. Since the publication of that article, events with which the public are familiarly acquainted, and which the official documents at the head of these pages abundantly attest, have shown that our prognostications were not exaggerated or premature. The occupation of Cracow and the abrogation of its nominal privileges have set the seal of truth upon the representations we then made. We shall not indulge in any comments on the conduct of those who, by a month's delay, have sacrificed an advantageous position which might have been preserved for an indefinite period. But the great and merited interest which this event has produced in Europe, warrants us in recurring to arrangements now so foully broken; in reviving recollections now so barbarously effaced; and in renewing remonstrances which have more than once been preferred in vain, but which can never be slighted with impunity. The occupation of Cracow by the northern allies, has done more to excite the indignation and the apprehensions of civil society in the west of Europe than the capture of Warsaw itself. The fall of the capital of Poland was the termination of an unequal conflict, which had filled Europe with the noise of arms; the occupation of Cracow is an act of aggression in the midst of profound peace, and a result of that diplomatic strategy which rarely betrays its purposes until they are consummated. The former was the triumph of an overwhelming vengeance; the latter is the successful display of an insinuating ambition: and Europe is roused to fresh sympathy with Poland when fresh attacks bear witness to her enduring energy and to her protracted misfortunes. We may then claim the attention of our readers while we lay before them some account of the negotiations, which accompanied the original creation of the independent republic of Cracow, and of the events which have attended its recent Occupation.

It is well known that the question of Poland long occupied the Congress of Vienna, and kept all the powers, assembled upon that memorable occasion, in suspense. Russia had suc-

cessively repudiated the project of creating an independent Polish kingdom, as well as of a new partition of the Duchy of Warsaw—a state which remained at the close of the war in the exclusive occupation of her armies. She had at last succeeded in obtaining possession of the Duchy under the title of the kingdom of Poland, when a fresh difficulty, scarcely less serious, arose with regard to the City of Cracow.

At that time Cracow belonged to the Duchy of Warsaw; but it had been subject to Austria during the whole period, which elapsed between the third partition of Poland in 1795 and the peace of 1809, when it was added to the Duchy. The Emperor Alexander conceded to Prussia that considerable portion of the Polish territory, which has since been called the Grand Duchy of Posen. [Austria at first laid claim to an equivalent concession; but she soon desisted from her own pretensions, in order to insist with greater force on an arrangement destined to prevent Russia from advancing in a direction which threatened the only line of communication between Vienna and Galicia. The road between the capital of the Austrian empire and that province passes within a league and a half of Cracow. The position of the town commands a passage of the Vistula: the town itself is protected by the river. It is evident that the possession of Cracow would give Russia an immense advantage over Austria, since it must enable a Russian army to issue from the gates of the city, and to cut off Galicia from the rest of the empire by a single march. Austria was so deeply interested in obviating this exposure to attack, that the contracting powers were induced to sanction the existence of an independent intermediate state, on that point of territory. With a view to increase its importance, a proposal was made to extend its frontiers, and to confer it upon the Prince Gustavus Vasa, the legitimate heir to the throne of Sweden, by way of compensation for the kingdom he had lost. The Emperor Alexander perhaps recollected that the Vasas had more than once worn the crown of Poland during the seventeenth century, and he dreaded the

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\* This road was the only line of communication before the construction of the two military roads, which now cross the Carpathian Mountains from Hungary to Galicia; these routes are usually rendered impracticable in winter by the snow.

influence associated with their name; perhaps other motives operated to restrict the boundaries of the projected state. But it was finally determined by the Congress that Cracow should be constituted a **FREE TOWN**, with a territory of 496 square miles on the left bank of the Vistula, and a population of 110,000 inhabitants. Austria obtained a confidential assurance by which Russia pledged herself never to post a body of troops in that part of the kingdom of Poland which lies beyond the Nida, a river flowing within about fifty miles of Cracow. Austria on her side, "granted\* to the *riveraine* town of Podgorze (opposite to Cracow and belonging to Austria) the "privileges of a free trading town in perpetuity;" and promised "never to establish, within that town or within a distance of 500 toises, any military posts which may threaten the "neutrality of Cracow†."

When the general basis of this arrangement was determined, the political condition and the privileges of the new State of Cracow, were regulated and recognised in the following official acts:—

*First*.—In the treaty relating to the whole of Poland, concluded between Russia and Austria, on the 3rd of May, 1815.

*Secondly*.—In a similar treaty concluded between Russia and Prussia, and bearing the same date.

*Thirdly*.—In the additional treaty relating to Cracow, concluded between Russia, Austria, and Prussia: same date.

*Fourthly*.—In the constitution of the free town of Cracow, annexed to the last-mentioned treaty.

*Fifthly, and lastly*.—In the general act of the Treaty of Vienna, which repeats the principal stipulations of these partial treaties in its first fourteen articles, and declares afterwards, Art. 118, "That they are considered as integral parts of the "arrangements of the Congress, and shall have everywhere

\* Art. 8, Acte Général du Traité de Vienne.

† In conformity with this reciprocal engagement, no Russian or Polish troops were posted beyond the Nida, from the conclusion of the treaty of Vienna to the year 1831. The Polish insurrection furnished the Russian troops with a pretext for invading Cracow; and after they evacuated the territory of the Republic, a large body remained upon the frontier. The Austrians construed this position of their neighbours in their own way; and in direct contradiction to Art. 8 of the treaty, they maintain a strong garrison in the town of Podgorze.

“ the same force and effect as if they were inserted, word for word, in the general Treaty\*.”

The future condition of the free town of Cracow was thus regulated and solemnly guaranteed, not only by the powers most interested in the maintenance of its neutrality, but by all the contracting powers of the Congress. In the foundation of this new state, each party was actuated principally by the desire of obtaining the securities which it conceived to be most essential, either to the preservation of its actual possessions, or to the cherished purpose of future aggrandizement.

But in the midst of these discussions, dictated by egotism and ambition, the unexpected creation of the independent republic of Cracow was hailed, with very different feelings, by those who had never ceased to evoke, before the assembled powers of Europe, the great and undying shade of Poland :— of that Poland which lived, as she still lives, in the hearts of all generous and provident men—and which seemed to meet with a zealous defender even in the Emperor Alexander (who was become the principal arbiter of her future destinies), or at least in some of his counsellors, amongst whom the Prince Adam Czartoryski then held a distinguished place. Thus the effaced, but still unbroken, image of the Polish empire occurred once more in that great act which comprised the labours of the European Congress.

Already, under the impression produced by principles which were proclaimed at the Congress of Vienna, however imperfectly they may have since been observed in practice, certain rights were guaranteed to *all the inhabitants of the ancient kingdom alike*, that is to say, to all the natives of what was the Polish territory before the first partition in 1772†. These rights and privileges, which were recognised in the first fourteen articles of the Treaty, promised to exercise upon their welfare an influence partly direct and positive, partly moral and indirect—partly of an immediate, partly of an ulterior effect. The first consisted :—

In the assurance of national and representative institutions,

\* See for further details an able article “ On the necessity of appointing a British diplomatic agent at Cracow,” in the *Polonia*, No. 11., Nov. 1832, p. 262.

† Art. 14, Acte Général du Traité de Vienne.



given to all the Polish subjects of the high contracting parties :

In " the most unlimited liberty of transit throughout " all parts of ancient Poland . . . with the view of facilitating the import and export trade between the said " parts ; . . . and the free navigation of the rivers and canals " in all ancient Poland ; as also the frequenting of such " seaports as they can reach by the navigation of the said " rivers ;" and

*Lastly.*—In " the most unlimited circulation of all the " inhabitants of the Polish provinces, and of the produce of " agriculture and industry between all parts of ancient Poland, " as it existed before the year 1772."

Besides these material privileges, which were of immense importance in themselves, not for Poland alone, but for Europe and European commerce, if they had been ever put into execution, the Treaty gave rise to numerous moral advantages, which were not less valuable to all the Poles indiscriminately. These advantages were derived from the preservation of the nucleus of their country in the new kingdom of Poland ; and from the existence of a national government and a national army, though both were to remain in dependence upon the Russian sceptre. While their language, their literature, and their ancient academic institutions were maintained over the whole face of the country.

The creation of the independent state of Cracow, which closed these favourable stipulations, was the fitting completion of the principle they laid down, and, as it were, an appropriate symbol of their integral spirit and object.

No point on the Polish territory could have been better selected for this purpose : no spot in the country comprises within a narrow space so many of the touching recollections and the kindling hopes of Poland. The city of Cracow is said to have been founded by Cracus, whose warlike exploits in the earlier part of the eighth century, are narrated by Gregory of Tours. It was the royal residence of a long line of Polish kings, and the seat of that dynasty of the Jagellons, who, at once philosophers, warriors, and the fathers of their people, were the first sovereigns in modern Europe to give a noble example of liberty flourishing by the side of

monarchy, and of toleration by the side of Catholicism, during the worst years of religious persecution. While science and the arts were diligently cultivated, from the first revival of letters, in the midst of wars and triumphs occasioned by the perpetual incursions of the Tartars, Muscovites, and Ottomans\*.

In the seventeenth century the royal residence was transferred to Warsaw, but Cracow still continued to be the sacred city in which the kings of Poland were crowned and interred. This custom, united to the numerous vestiges of its great antiquity and ancient splendour, confers upon the town a solemn and mysterious character, in the hearts of the Poles, which more recent occurrences have still further heightened. By a fortuitous concourse of events, its territory has proved a classic soil, where fresh heroes appeared to start from the ashes of the dead. There, on the 24th of March, 1794, Kosciusko raised the standard of his immortal insurrection; and near those walls he won his first victory, at the head

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\* Cellarius the historian relates, that in 1652 the plague destroyed 173,000 Christians, and 20,000 Jews in the city of Cracow. This statement may be somewhat exaggerated, but it serves to give an idea of the size of the town at that period.

In 1364 a brilliant assemblage of sovereign princes took place at Cracow, to witness the marriage of Charles IV., Emperor of Germany, with a niece of Casimir the Great, King of Poland. The chronicles of the time are filled with details of the magnificence displayed on that occasion. The company consisted of Peter, King of Cyprus, Louis, King of Hungary and afterwards King of Poland, Sigismund, King of Denmark, the Dukes of Bavaria, Mazovia, Schweidnitz, and Pomerania, the Pope's Nuncio, &c.

Cracow, notwithstanding the constant attachment of its university to the Catholic faith, was the scene of numerous controversies, and the asylum of a great number of victims of religious persecution. In 1431 a great disputation took place, in which the Academy of Cracow defended the edicts of the Council of Basle against the delegates of the Hussites, who came from Bohemia. Among these delegates the name of one Peter Payne, an Englishman, occurs. At the close of the same century the celebrated Italian, Callimachus Experiens, who was menaced by Pope Paul II., found a refuge at the court of Casimir Jagellon, who entrusted him with the education of his sons, and honoured his memory by a mausoleum in the cathedral of Cracow, which contains the remains of most of the kings and great men of Poland.

A novel recently translated into English under the title of "The Court of Sigismund Augustus," gives an accurate and interesting picture of Cracow and its court in the sixteenth century.

of his followers, who fought with scythe blades against the disciplined troops of Russia. There, in 1813, Poniatowski made a last halt with his small army, which was doubled in crossing the town, whence it followed its adored leader, till he fell on the plains of Leipsic. The mortal remains of those two captains were brought home by their soldiers; and repose in the royal vault, beside the tomb of Sobieski. Between the years 1818 and 1824 an immense tumulus of earth was raised by the whole Polish nation to the memory of Kosciusko. This monument rises several hundred feet above the Vistula, in the immediate vicinity of the city. It is formed of soil brought from every part of Poland; from every field which has been consecrated by a religious patriotism, or hallowed by the reminiscences of glory; by all ranks and all classes of Poles, who eagerly united to add their wheel-barrow load of Polish earth to the indestructible monument of Kosciusko's fame. We remember no more striking trait than this, in the history of any nation. Here is a pyramid, not erected by the toil of a myriad fellahs, the ponderous and fantastic boast of some barbarous Cheops, but built up by the exertions of a nation, free in labour and in heart, to the memory of an approved patriot.

This mountain-monument, is moreover a striking testimony of the unanimity of feeling, hope, and regret, which prevailed throughout the ancient provinces of Poland. The toleration which the three governments of Petersburg, Berlin, and Vienna, displayed on that occasion, was a last token of their homage and assent to the great principle of the Treaty of Vienna, designed to maintain the existence of the Polish nation, notwithstanding the dismemberment of the country, and promising a more fortunate condition to that people amidst the uncertain events of the future.

None of the stipulations of the Congress of Vienna furnished a more vital guarantee to this fundamental principle, than the creation of the free and sovereign state of Cracow. The city became the last asylum of the Polish nationality which remained independent upon that spot alone. It became, more than ever, the Westminster Abbey of Poland; and thenceforward her children knew no higher ambition than

that of obtaining the honour of a grave at the foot of the great tumults of Kosciusko, and upon a soil still free from the pollution of a foreign foot.

But Cracow obtained at Vienna another advantage, which promised to give her a still more direct influence upon the future destinies of Poland. Its university, called the Jagellonian University, founded in the fourteenth century, was placed under special protection of the treaty. The ancient statutes were solemnly confirmed\*; its possession guaranteed; and it was expressly stipulated that the Polish subjects of Austria, Prussia, and Russia, should be allowed to carry on their studies in that academy. This fact alone would be sufficient to establish beyond a doubt that nothing was further from the spirit of the treaty of Vienna, or even from the avowed intentions of the three Courts, than to transform the Poles into Russians, Prussians, or Austrians.

It may seem strange that a European treaty should regulate such minute details, and that the guaranty of all the powers should interpose its authority between governments and their subjects, instead of confining itself to international relations. This observation is not a new one; it has already been objected to those who have claimed, in favour of Poland, that guaranty, and the protection which it implies. But at the Congress of Vienna the instability inherent in the arrangements then made with regard to Poland, and the consequent necessity of intervening protection, was obvious to the assembled diplomatists, and during a great part of the Congress, it gave rise to the most serious objections. These objections were not only urged by the agents of England, Austria, and Prussia, but they were admitted by the confidential advisers of

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\* Art. 15.—Additional treaty relating to Cracow. The ancient statutes of the university were annulled and superseded by the new Organic Statute, of the 15th of August, 1833, imposed upon the university by the three protectors. To judge of its spirit, it is sufficient to know that it deprives the government of the Republic of the right of appointing the professors. This right is reserved to the three Protecting Courts, who have, for that purpose, distributed among themselves the different faculties. Austria has taken that of medicine; Prussia that of law; and the faculty of divinity in this Catholic university, has been confided, not to Austria, who alone maintains Catholicism as the religion of the state, but to Russia, who pursues that religion with unrelenting persecution throughout her dominions!

Alexander himself. We quote the following sentence from a note presented by one of them to that prince in October 1814:—" Une constitution qui réunirait la Pologne Russe à l'Empire sous le nom de Royaume, entretiendrait dans les Polonais Russes une disposition à rétablir leur indépendance, et dans ceux qui resteraient aux autres puissances, une tendance à s'en détacher. La Russie serait toujours disposée à substituer à l'union l'incorporation; la Pologne serait inquiète sur la conservation de ses droits, et son inquiétude prendrait facilement un caractère séditionnel. De là résulterait un système d'envahissement progressif dans un sens ou dans l'autre, qui se terminerait après de nouvelles secousses, par l'assujettissement ou la séparation."

These views were the reason for the precautions taken by the other contracting powers of the Congress, to ensure the duration of such frail arrangements. At the same time, the assurances given by Russia made the acquisition of the kingdom of Poland wear the appearance of a merely defensive advantage, calculated rather to diminish than to increase her aggressive powers. Nevertheless, whilst he yielded to necessity, Lord Castlereagh pointed out, in the most powerful manner, " the dangers which might justly be apprehended from the reunion of a powerful Polish monarchy with the still more powerful empire of Russia; if the military force of the two countries should be united under the command of an ambitious and warlike monarch."

The main security against those dangers was sought for in the preservation of the nationality of the whole Polish nation, which was henceforward entrusted to the *interested* protection of all the European powers. But the arrangements made by the Congress were subjected to an inevitable alternative: either of acquiring solidity by the gradual development of their natural and legitimate consequences; or, of degenerating into a state of things directly opposed to the avowed object of the treaty. The precaution which was indispensable to ensure the former alternative, and to the complete adjustment of the Polish question, was the *vigilance* of the contracting parties. They were bound at least to inform themselves how the conditions were executed, upon which Europe had ratified the possession of the different portions of Poland by three sovereigns,

who had, till then, been nothing more than successful usurpers. And it became their especial duty—a duty which may still be performed—never to lose sight of their right of diplomatic surveillance over the internal situation of Poland; and never to allow that duty and that right to fall into disuse. But none of these obligations have been fulfilled—none of these precautions have been taken; the consequence is, that on this, as well as on every other point where Russia has been the rival of other powers, since the peace, she alone has derived benefit from the incidents which have arisen or could arise, and from the very stipulations which were framed to resist her aggrandizement.

If we revert to the treaties of 1815, and investigate their bearing and purpose in 1836, after such numerous and flagrant violations, it is assuredly with no view of obtaining simple redress, and of restoring an apparent harmony between the actual state of things and the letter of our conventions. There are positions which no art can restore, when they have once been lost. Henceforward we only recur to their present violation, as to an event which liberates us from all reciprocal engagements\*. Those engagements have long and naturally been regarded as binding upon all the powers which subscribed them; but our government might perhaps have shaken them off much sooner, if it had appreciated with more accuracy and foresight the conduct and the intentions of certain continental cabinets. We apprehend, that by pointing out the cause and the object of a stipulation which is now cancelled, we not only demonstrate its inefficacy for the future even more than for the past, but we necessarily show what new precautions must be taken, and what modifications must be made in the treaty to ensure the accomplishment of its purpose. It is evident,

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\* We cannot forbear quoting the language in which Lord Palmerston characterised the violation of the territory of Cracow, in reply to the questions addressed to him by Sir Stratford Canning on the 18th of March:—"I am bound to say that I do not see any sufficient justification of the violent measures which have been adopted towards Cracow—a step which, to say the least, was one of unnecessary violence.... a proceeding which bears upon one of the most important diplomatic transactions of the day." "It is of as much importance to us to see that the independence of a state like Cracow be not causelessly and wantonly disturbed, as if the case were that of Prussia, or any other powerful nation."—(See the *Mirror of Parliament*, 18th of March, 1836.)

that the object of the first fourteen articles of the treaty of Vienna was to preserve Europe from the dangers, with which the unconditional incorporation of the military forces of Poland with those of Russia, would have menaced it.

The violation of those solemn conditions therefore implies not only an outrage, but a danger to Europe. These expressions, indeed, are synonymous in politics. But we designedly signalize the *danger*, besides the *outrage*, although the actual event which has provoked these observations has not, in itself, a direct influence on the balance of power. It is not indeed credible that Russia should have dared this new outrage in the face of Europe, if she had not had in view more important designs than the mere restoration of tranquillity in a neighbouring city—a tranquillity which, in point of fact, had remained undisturbed. It is not credible that Russia should have ventured upon this step, without some pressing object:—Russia, engaged at this moment in purposes of a far wider and a deeper character, and alarmed (we trust not without reason) at the awakening of Europe to the plans and the progress of her unbounded ambition. She had a thousand means at her disposal for bending to her will the government, and even the inhabitants of Cracow, without transgressing the conditions of the treaty. The experience she has had of the placid temper of France and England—to use no harsher term—might have convinced her that it would be easy to restrain their resentment, if not to satisfy their remonstrances, by a few courteous phrases. Those governments have invariably displayed the utmost readiness, not only to receive, but even to invent the most absurd pretexts in excuse of her most outrageous acts. But in this particular instance, their assent would have marred the mischief she had in view. Our subservience might have gratified her self-complacency, but it would not have advanced her end. The object of Russia was precisely to insult the governments of France and England in the eyes of all Europe. The English government was more peculiarly the object of her contemptuous silence. The fact is, that a confidential communication was made by the Austrian government to the French cabinet, within a very short time after the occupation, accompanied by a proposal that France

should receive the unfortunate refugees, who were threatened with transportation to America. To England, however, no communication whatsoever was made:—a circumstance which Lord Palmerston, on the 18th of March, chose to consider “as an involuntary homage to the justice and plain-dealing of this country;” and as a proof “that they were aware we should never have given our assent to such a proceeding.”

If we be asked whence this lust of insult could proceed on the part of Russia, we reply, that the object was not only to crush Cracow, but Poland, in her cradle, and sanctuary. In order to complete her annihilation, it is necessary to destroy the lingering hopes of the Polish populations, by attempting to degrade those governments and national assemblies which have ventured to declare their unalterable adherence to rights which they deem sacred. Russia is not free to turn her attention and employ her resources elsewhere, until the Polish question is finally settled conformably to her views; and until the last spark of those hopes is gone out, which are always ready to break out afresh with the first blast of war in Europe. The most essential step for this purpose is to discourage the stirring spirits of those provinces, by casting obloquy upon the nations, they do not cease to regard as their natural allies.

After having placed the question in this light, our readers will not expect us to give a circumstantial account of the events which preceded and accompanied the occupation of Cracow. For Europe, and for England, it is not upon the *manner* in which this violation took place, that we require to dwell; but upon the *fact of the violation of treaties*, and on the motives which dictated it. The facts moreover are sufficiently well known; and after having compared accounts received from the most authentic quarters, with the statements which have been made by the journals of this country, and in the House of Commons, we can safely assert that the public has been very exactly informed of the circumstances of the case. The speech of Sir Stratford Canning, on the 18th of March, may be considered as the most complete account of the facts; and it contains a full discussion of the case, treated in a manner worthy of a statesman.

Some false assertions which have been circulated, for the



customary purpose of palliating violence by calumny, may, however, deserve our notice, although they can hardly have earned belief.

Several months before the occupation, the German papers began to spread reports that Cracow was become a focus of sedition, and a haunt of political assassins. These inventions were carefully contradicted by the official Gazette of Cracow of the 23rd of January\*; for the object with which they had been put forward was but too obvious to the government of the republic, and justly awakened its alarm. An assassination† had in reality been committed with every mark of personal revenge, but nothing has ever justified the assertion that this crime was instigated by a secret revolutionary tribunal, of which no traces have ever been discovered. All accounts from Cracow state that the city and its territory had been in the enjoyment of the most perfect tranquillity for several years; and that the only secret society known to exist was one whose ramifications extend into the Austrian possessions, under the title of the Society of Young Slavonians. The object of that society is sufficiently disclosed by the names of persons, honoured by the special favour of the Russian government, who are to be found amongst its members‡. The tenor of the official documents at the head of this article proves, that the residents of the three powers endeavoured to gain over the Senate of Cracow to share the responsibility of the measure, and even to demand the occupation of the town. Their attempt was fruitless; and as if to remove every pretext from the three powers, five hundred refugees—the greater part of the whole body—had surrendered themselves within six days on the simple invitation of the Senate. Nevertheless this fact did not prevent the entrance of the troops, nor the accusations of ill-will which were directed against the Senate by the Residents. The estimable president of the Republic, Wielogłowski, sent in his resignation; and his successor was appointed, in direct contradiction to all laws, by the power which has usurped all

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\* See the *Times* of the 6th of February, 1836.

† Upon the person of a Jew, engaged in the service of the Russian secret police, known at different times and places under various feigned names.

‡ See the *Portfolio*, Vol. I, p. 499; and Vol. II., p. 70.

authority in Cracow, under the assumed title of a Conference of the Residents of the three protecting Courts.

The troops which entered the territory of the Republic were in number 8000 men, of whom 560 were mounted. The Conference informed the Senate, in its note of the 16th of February, that these troops were to be maintained "*comme il est de règle*"\* at the expense of the Republic as long as the occupation lasted. This however is not all; and we can scarcely contain our indignation when we have to state the increase of evil, that the stupid silence of the western Powers when they received the intelligence of the occupation, encouraged Russia to commit. Notwithstanding the positive declaration of the residents that the refugees should be transported to America, if no European Power offered them an asylum, Russia incurred the odium of taking forcible possession of several of their persons; and Austria was not ashamed to deliver up to her ally some of those individuals who had already surrendered themselves to her at Podgorze, in conformity to the summons issued by the Government, and whom she was bound in honor to protect.

It is not, however, we repeat, these details which claim our attention. The essential point at the present moment is not so much to heal the individual sufferings which have been caused by great political faults, as to put an end to those faults and to repair them†. Our great error since 1815, and that in which all the other mistakes of our foreign policy have originated, has been the total want of surveillance over the maintenance of European affairs which was in fact effected by ourselves. Harassed by the immense efforts we had then made, and satisfied with the result of our victory, our statesmen imagined that thenceforward we might adopt a new system,

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\* This *règle* doubtless alludes to the *precedent* which had been established by the Russian corps which entered the town in 1831, and remained for two months on the territory. The General had declared upon that occasion that he should pay for all that was supplied to his army, but he marched off without performing his promise, and declared that the free town deserved that punishment for its disaffection.

† We cannot however pass over in silence the unfortunate persons who have been ejected from Cracow. The French Government has set a generous example in receiving part of them, and in granting them a subsidy; and we are persuaded that the House of Commons will not refuse to vote such a supplementary sum of money as the Government shall propose upon this occasion.

and remain perfect strangers to the destinies of Europe, of which we had just before been the arbiters. They supposed that we might cease to dread the influence of a preponderating power in the affairs of Europe, although such an influence always threatens our most important interests, by whomsoever it may be possessed.

In treating the question of Cracow, we have uniformly alluded to Russia alone; for our readers will already have understood that Austria and Prussia were only the subordinate accomplices of the deed. It would be easy to draw an instructive parallel between the league of 1772, by which the first partition of Poland was accomplished, and the league of 1806, by which the same powers have consummated an analogous injustice on a somewhat narrower stage. Now, as then, Austria has been first drawn into an unwilling assent, and afterwards compelled to take a prominent part in the tragedy: whilst Prussia appears as the more intimate and interested supporter of the designs of Russia. Now, as then, France\* and England have held aloof, from a base dread of demanding redress for an outrage, to which not one but three Powers had given their sanction. In the present, as well as in the former case, the outrage will soon prove a danger irresistibly to call forth our alarm. This danger proceeds from Russia, and from Russia alone. And there are no powers better acquainted with it than Prussia and Austria, whom it has already led to degradation.

To repel that danger the first point is to face it, and to

\* As for the position of France, we beg to illustrate the conduct of her present cabinet by a quotation from Gentz on the state of Europe, which derives double importance from the position of that author as the Secretary of Prince Metternich.

It was owing to accidental circumstances, and to the weakness and misfortune of those who managed the affairs of France, that the revolution which Russia projected in Turkey, and actually accomplished in Poland, could be attempted and to a certain degree executed. It is now well known and generally acknowledged, that the partition of Poland might have been prevented by the timely interference of France; and that Austria herself would have opposed that partition, if the French ministry had not declared that they beheld it with indifference. It is no less certain that France might have prevented the breaking out of the last war with Turkey, or otherwise have powerfully supported the Ottoman Porte, had not the beginning of her internal dissensions at that time weakened her efforts and diminished her influence."—(*Gentz, State of Europe*, p. 21; published 1803.)

obtain ocular and certain information relative to the true state of all these positions. But have we followed the course of events? Have we had timely advice in Cracow or Poland, in Turkey or Persia, in Sweden or Germany, of the unceasing and daily progress of Russian influence and domination? If we have remained in ignorance, how was it possible to offer an effective resistance; or to combine in opposition to her those States by which she is detested, and which have more than once made a vain appeal to us for co-operation\*? Far from engaging them on our side by an effective protection, or an imposing attitude, we have allowed Russia to reduce them one by one, first to impotence, and afterwards to servitude. Whenever we come forward to remonstrate, the evil has been already achieved; so that our trivial choler only serves to encourage our antagonist by a display of our inactivity, and to hasten the accomplishment of his enterprise.

At the present moment Austria plays the chief part at Cracow. The Austrian troops were the first to enter the territory, and an Austrian general was selected to put the merciless orders of the three Powers in execution. But does this apparent zeal of Austria prove that she has a direct personal interest in the step which has been taken? We no more believe such to be the case, than we give credit to the confidence of the Sultan in the good faith of Russia, because we learn that he has just placed all the Armenians of the Ottoman Empire, who have hitherto acknowledged no spiritual control but that of a patriarch residing at Constantinople, in a state of dependence on another patriarch residing in Russia, and appointed by the Emperor. If any maintain a contrary opinion, we shall remind them that the influence of Austria alone retarded until 1836 this blow, which Russia had long since resolved upon; that the serious remonstrances of Austria were the sole cause which put an end to the previous occupation of the territory of Cracow, when in 1831 a Russian body of troops had been stationed upon it for two months; and that Austria had last year the option of refusing offers made, to her by Russia, for incorporating the free town and its territory with her own dominions†.

\* These facts are strikingly elicited from those parts of the despatches of Count Pozzo di Borgo which relate to Austria. See *The Portfolio*.

† This proposal was actually made at Toplitz, and rejected by Austria. In returning from that conference, Count Nesselrode passed through Cracow, and

But when Austria had lost all hopes of checking the design of Russia, she doubtless, and perhaps with sufficient reason, thought it best to anticipate its execution on this point. Discouraged as she may well be by the policy of the west of Europe, perhaps she even stooped to receive under this form the wages of her compliance. Whatever may be the true state of the case, we are not of those who are astonished by her conduct. We believe that Austria does what her position obliges her to do; and that as she distinctly perceives the necessity which presses her, she will take no half measures, which would redouble her peril, without ensuring to her real advantages. We, nevertheless, persist in our firm and unalterable conviction that it is still in the power of England to sever Austria from Russia: her interest and her discernment afford grounds for this belief. But nothing can decide her to take such a step except acts, and decisive acts, on the part of our government. Before she will brave the animosity of Russia, she must be well assured that allies will not be wanting to back her. Till then, she acts consistently in submitting to the will of that power. Till then, although we may desire to restrain the policy of Russia, we must cease to rely upon Austria, and upon what has long been proclaimed to be her interest. FOR THE INTEREST OF AUSTRIA IS TO FOLLOW AND SUPPORT US WHEN WE ACT, BUT TO TURN A DEAF EAR TO OUR PREVIOUS PROPOSALS.

It must then at length be acknowledged, that no more barriers exist between ourselves and Russia: all those intermediate positions are gone; and henceforward our interests immediately conflict with her's. The occupation of Cracow and the part performed by Austria, are the signals which announce to us that Russia has once more appropriated to herself one of the most powerful engines which we might have directed against her. We are aware how much this reflection tends to discourage some of those who feel that it is absolutely necessary for us to resist Russia. And we ourselves are persuaded that when we are called upon to combat that power, no adequate and satisfactory success can be obtained without the concurrence of Austria. But the error has hitherto consisted in a

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caused a petition to be secretly presented to him, signed by about ten traders of the place, who prayed the Emperor Nicolas to unite the city to his empire.

notion that those powers whose concurrence will ensure our victory, could WITHOUT us prevent the struggle and spare us the conflict. This misapprehension has caused the progress of the evil; and we may eventually have to atone for it by immense sacrifices, which a little foresight and activity would have prevented. Nevertheless, even if we admit the extreme case of a war, the line of conduct to be pursued remains unchanged. Austria is still the pivot on which the chances of the conflict turn. For that very reason our determination will lead Austria to take those steps to-morrow which she would have taken yesterday of her own accord, and which she entreated us, at no distant period, to take in concert with her. But the more we delay that determination, the more difficult it becomes to signify it to her, and to liberate her from the ties with which she is entangled.

As we have used the dreaded word—war, we hasten to avoid any misapprehension of our meaning which might arise on so momentous a subject. It is a serious mistake to suppose that war is the only means of repression, which it is possible for us to exert against Russia. No other power lies so open to the consequences of a sustained system of diplomatic exertion. In other countries every appearance of foreign hostility unites contending parties, and strengthens the government within as well as without. In Russia, on the contrary, it instantly begets internal revolt and external resistance: it emboldens and brings into concert the nations which she keeps in obedience or in dependence by the address with which she deprives them of all hopes of foreign succour, and of all means of resolving upon a common organised resistance.

These considerations might have sufficed long ago to determine our government to send out intelligent agents, under whatever title and in whatever capacity was thought most appropriate, to various points in the interior and on the different frontiers of Russia. Amongst these missions, Cracow deserved peculiar attention. That city has hitherto offered—and, should the occupation cease, it will still offer—to the governments of Europe, the singular advantage of finding upon that sole point a Polish government which remains independent. At Cracow the Russians, Prussians, and Austrians, notwithstanding the title of protectors conferred upon their governments by the treaty of Vienna, are quite as alien to the state as the

Turks or the English. The treaty gives to the three protectors no sort of prerogative, as far as the internal administration of the affairs of the city is concerned. It was our peculiar duty to take care that no such prerogative should be usurped. The constitution of Cracow, which was drawn up in 1815, and textually inserted in the treaty, does not even contain the names of the protectors, and makes no mention whatever of their protectorate\*. The position of a French or English diplomatic agent in relation to the government of Cracow, would be, by right, very nearly equivalent to that of the residents of the protecting courts. His importance will entirely depend on the tenor of his current instructions, and on his official character, which must evidently not be inferior to that of the agents of any other powers. It is clear that without this last condition, he will not represent the vigilance, the policy, and the power of his nation; and that the weakness of his government would be proclaimed by the mission of a subaltern agent destined to be the object of the haughty slights of his colleagues.

In the midst of the countless restrictions which shackle the commerce of Europe, Cracow, possessing by treaty (as we have shown in an earlier page of this article), a right of free communication with all parts of ancient Poland, might have become a point of the utmost importance, if the affairs of the west of Europe had been conducted by men of tolerable foresight. For we may apply to the commerce of Cracow, as well as to all the stipulations of the treaty with regard to Poland, the motto of a knight of old—

“ Regardez-moi et je fleurirai.”

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\* We quote the constitution of 1815; for that which was thrust upon the town in 1833 is, and must remain for us, a mere dead letter *de jure*, whatever it may be *de facto*. We have only inscribed it at the head of the present article as one of the official documents which prove the numerous insults and violations of which Cracow has been the object. We quote, however, the 27th article of the Constitution of 1833, because it embodies the spirit of the whole act, by establishing a new power, which is henceforward the sovereign arbiter of the destinies of the state:—

“ En cas de différens soit entre le Sénat et la Chambre des Représentans, soit entre les membres de ces deux corps, sur l'étendue de leurs pouvoirs, ou sur l'interprétation de la présente Constitution, les résidens des trois Cours protectrices, réunis en Conférence, auront à décider de la question,” &c.

The armed occupation of the territory is the inevitable sanction of that authority which this article confers upon the Conference.

Let it not be imagined, however, if we here speak of the great commercial advantages to be derived from Cracow as a post of almost unequalled importance, that a mere commercial agent on the spot will be competent to ensure them to us, or to revive rights which have been superseded. Such an appointment would be a fresh mockery, worthy of our foreign policy for the last twenty years. It would be a fresh display to our rivals, and to those nations whose hopes and prayers are turned towards us, of that lethargic pusillanimity, which, even when it perceives its peril—possessing means to avert the danger, and to ensure incalculable benefits—chooses to prolong for another hour that slumber from which it will be so fearfully roused.

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## ARTICLE XI.

*State and Tendency of Parties.*

THE partiality of Journalists is very much to be regretted both on their own account and that of the Public. They voluntarily descend from the high position, which they might occupy in society, into one of inferior utility and honor. By maintaining their impartiality, they might distribute the rewards of genius and patriotism, be the arbiters of taste and promoters of incalculable benefit to those, among whom they live. By an opposite course they become the slaves of faction, despicable panders to depraved appetites, and instruments of immeasurable evil.

These remarks have been called from us by a sincere regard for the honor of the Profession, in which we are engaged. To speak slightly of our cotemporaries, in order to extol ourselves, would be a symptom of such mean jealousy and odious rivalry, that we trust, we cannot be supposed capable of it. None, on the contrary, can be more anxious, than ourselves, to uphold it in its greatest dignity, and, if it unfortunately be degraded, to contribute humbly to its restoration. In our criticisms, literary and political, truth and fairness shall always be found to preside. We should scorn to take away a character as to pick a pocket or break into a house; and we know



no more certain way of obtaining a good reputation for ourselves, than by giving to others that impartial judgment, which we desire to receive. With these few observations we proceed to our subject.

It has appeared to us, that it might be a useful speculation to examine the actual condition, with the purpose of ascertaining the probable tendency, of parties. Conservatives, Whigs, and Radicals, all lay claim to disinterested views, and all seem possessed of some ground for their pretensions. The Radical has to plead the extent of the past corruption of our Institutions for desiring to alter them. The Whigs may contend that *their* aristocracy is the most honest and alone fit to be trusted by a liberal population. The Conservatives distrust their honesty and professing equal liberality expect equal confidence. It is manifest that the Whigs can advance, in their own favor, the services of a long political life. While the Conservatives have to remove the impression made by *their* services and to ask permission to open an account on a new score. The Radicals, have been untried, for nearly two centuries. Their reputation as Reformers is not good, for they think little of rebuilding, while they are pursuing their work of demolition. This party has therefore received from the Public the name of Destructives. The Conservatives are more accurately described by the name of Conformers, for they are in fact Tories, who have taken up a good name, to which they had no title, in order to cover a bad one, of which they were ashamed. The Whigs, if they bear out their Professions, and reform, so far, as is consistent only with the existence and improvement of the established institutions, will then be the true Conservatives and doubtless be so considered by the country.

Let us examine the strength, numbers and position of each. The position of the Whigs is the most curious. Standing between the Tories and the Radicals, few in numbers, when compared with either of their neighbours, they are supported by both, who are notwithstanding as jealous of them, as of each other. They may be said, occasionally to oscillate from one to the other of their rivals, now hanging to the Radical side, and at another time inclined to that of the Tories. We prefer calling parties by their real names,

and cannot consent to term the Tories, Conservatives, though we are willing to give them the appellation of Conformers, which is more accurate though perhaps less courteous. The Whigs are maintained solely by their position. Each rival assists them alternately for its own purposes. Neither likes them. It would scarcely be too harsh a term, if we had said, that both detest them. But each offers them protection, because they hate them less than they do each other. The Whigs too are supported by the country for a similar reason. The sincere conversion of the Tories is universally doubted. Even the most favorable to their return to power, think their new opinions rather imposed by necessity, than adopted by choice. In this situation the country fears assumption of power by the Destructives, as they style the Radicals, and although they have not implicit reliance in the ability of the Whigs to maintain themselves long as Constitutional Reformers, they assist in supporting them in their present place in order to prevent its being occupied by others, from whom they apprehend greater and more immediate danger.

In this singular position this Party has preserved its existence, with one short exception, since the passing of the Reform Bill. Their continuance in power must of course depend upon their means of preserving their present or occupying a stronger position. Their policy wants that energy which ensures the support of men of independence, and until they give evidence of greater intrinsic strength, they cannot expect to be supported for their own sakes. Their numbers in the lower House of Parliament are perhaps equal or rather superior to those of the Radicals, but considerably less than the Conservatives, composed of Tories of the old school and Conformers. In the Country there are few Whigs. Here and there an old gentleman recollects the days, when Mr. Fox kept his friends together by admiration of his genius and respect for his patriotism and rejoices to tell anecdotes of the affectionate warmth of his heart, his disinterested and, in the right sense of the word, affable condescension, or of his intellectual conversation and richly cultivated talents. But the old Whigs are mostly gone, and their descendants are Tories or Radicals. During the palmy days of Toryism, when a Fox no longer

existed to make a stand against corruption, and that, which at one time required to be wielded by the arm of a Pitt, could strike successfully in the hand of a Castlereagh, the Whigs were gradually swept from the land. Bribes of every description in the shape of place, patronage, power, profit or something else with a more ignoble name, made rapid and sincere conversion from the faith of the Whig to the creed of the Tory.

Since that time what hopes, until lately, could cheer the labourer in the vineyard of liberty? The advocates of popular rights had every art and seduction to contend against. Providence gave them for a time the shelter of her wing under an Erskine and a Fox. But when they departed, who could take their place? We reverence, equally with any of our countrymen, the names of Grey and Brougham, Lansdowne and Holland, with other Irish and English patriots who succeeded to their mantle. But the genius of Fox left a vacancy in earth, when it fled to its pure abode, which has not yet been supplied. It occupied a space in the hearts of men, which is still untenanted. It has left his principles to us as a legacy, but it robbed us of their best defender.

Our limits will not allow us to notice the various ways, by which Whig principles have, since that time, been diverted from their channel, and the course, they have pursued, until their reappearance in the Radical or the Conformer. The task would be irksome, and unnecessary. From the honors of the Lord Lieutenant of a county to the humble bearer of a knight's escutcheon, from the dignity of the Prelate to the hard-earned pittance of the working Curate, all was distributed to serve the ends of the Tory politician. Servility was never better rewarded, than in those days, nor ever appeared in more costly trammels. Better prospects have arrived. Let us endeavor to forget the past.

We now turn to the Tories whose conduct during their ascendancy we have glanced at in our last paragraph. They must be divided into those of the new and old school. The latter are honest but impracticable. The former are more manageable, and if they are not hypocrites, they have made the most astonishing change from bad habits ever completed by human infirmity in so short a time. The latter, that

is, the impracticable class, are, but few, in the Lower House of Parliament. In the Upper, they at present greatly predominate. How long they will prefer thwarting the wishes of the country to a quiet life and the exercise of a sounder discretion, we cannot pretend to foretell. But it is evident that no light has yet been thrown upon them, able to illuminate the dark prejudices, by which they are enveloped. In the Lower House they are hardly distinguishable from Conformers. On one or two occasions, an opaque body may have shot into the lobby, starting from the destructive measures of Sir Robert Peel or Lord F. Egerton. But generally they are more attached to the mass or better disciplined. The Conformists are the life of the party here. In them it has its being and without them it would speedily perish and disappear.

The Conservatives may be estimated to form more than two-fifths of the House of Commons, containing 658 Members. We should conjecture them at from 270 to 280. At the beginning of the Session they imagined that they would be much stronger and that they might divide within ten of the Liberals. But they had made their calculations with too great self-complacency. Upon the first division they found their numbers had greatly fallen off since the last Session, and the result was as annoying to themselves, by whom it was unexpected, as it was welcome to their adversaries. Since that period their numbers have continued to decline. Succeeding divisions have proved them to be a decreasing party, and have added fresh strength to their opponents. But they may be still formidable and harassing to the sincere friends of popular rights and constitutional liberty. They have a coquetting way with the Tories of the old school in the other House, which, while it serves to betray the old leaven, gives at the same time encouragement to both. Their leader in the lower House shewed symptoms of mutinous feeling at the close of the last session and treated a noble and learned Lord, in high repute and position among those in the Upper House, with some roughness. But something seems since to have taken place *under the rose*. The opposition to the Irish municipal Bill in the House of Peers is evidently in concert with the Conformist minority in the House of Commons. The amendment of Lord Lyndhurst resembles too

closely the measure of Lord F. Egerton to allow a doubt to exist, that they can be the similar productions of similar wits without previous concert. Thus the majority of the Tories among the Peers strengthens the hopes of the minority in the Commons, and gives to the whole one movement and the appearance of one body, in action, form and opinions.

We see then that their position is by the side, and protected by the main body, of their army in the upper House. This fact conveys an important lesson. The stronger body never voluntarily obeys the weaker. Should the Tory Lords succeed in restoring to power the united forces in the two Houses, whose principles will prevail? If the Peers will not give up their principles out of office, are they likely to do so when clothed with its authority?

Let us here ask a few plain questions? For what purpose has the country got the Reform Bill? To return to its former corruption or in future take a more honest course? We presume for the latter. Let us suppose, for the sake of the argument alone, that the Tories have truly repented them of their past political sins. Nothing could in that event be more reasonable than for the Country to put them on a level with the Whigs, and try them both by the standard of capacity and talent. But let us look at their conduct in juxtaposition to the Peers, and then can any man in his senses doubt, that the Tories in the lower House are only playing a game for the purpose of regaining popularity which may assist them up the steps of office? If we observe only their deportment as representatives of the People, we might perhaps be tempted to give them credit for good intentions. With the exception of an occasional outbreak by a too hardy friend and over-officious supporter, they conduct themselves with wonderful discretion in their new vocation. For novices, they have learned their trade with astonishing tact and precision. But if we turn our attention to the other part of the picture, we shall there see them in their old colors, denouncing the liberals as republicans, and shewing their hatred of anything liberal by their anxiety to give it a bad name. How then can the country anticipate a return to an honest course, if it permits these conformers to return to Power? It may be assured that the first effort of Conserva-

tism, restored to ascendancy, would be a manifestation of their contempt for the victory, which the People have lately won, and a desire to replace corruption on a pedestal, less ostentatious perhaps, but not less firm and substantial, than it formerly occupied under their rule.

It cannot be denied, that the Conformers have a large proportion of well-wishers in the Country. This proceeds from the old feeling of Toryism which was so long and so artfully encouraged, and an habitual distrust of Liberal men from the bad character, which was industriously given them by the Anti-Reformers, when in office. A word of advice falls more heavily, because more sweetly, on the ear from a man in power. It goes to the understanding through the heart and affections. And if the Liberals, while they have the good things at their disposal, are equally industrious in expressing their opinions of the Conformers, there can be no doubt that they will be no less successful in making them be believed. But for some reason or other a Whig speaks, with an affectation of regard, of a Conformer. Not so the Conformer of the Whig. In *his* language the Whig is at once a Radical or a Republican. But the tender heart of the Whigs seems to melt at the sight of an outcast from Power. Their tones in addressing him are those of friendliness and conciliation. We are no admirers of needless harshness of expression. But if the Conformer abuses the Whig for Republican propensities, and none of his party will repel the insult and retort hypocrisy on the Conformer, it is quite plain, respecting whom the delusion will rest.

This tendency on the part of the Whigs to conciliate the Conformers naturally causes their friends to be suspicious of them. It is not agreeable to those, who are warmly supporting liberal principles, to see the Leader of their Party running down the House to pull by the sleeve the Leader of the Conformer party, and with delighted countenance chatting with him on one of the forsaken benches. It is impossible to have the feelings of human nature and not suspect, that there is more in that than meets the eye. The compliment is never repaid. These things may be esteemed as trivial, and incapable of the inference, we would draw from them. But Lord

Bacon justly remarks in one of his essays, that light things are like straws, thrown up to see, which way the wind blows.

The Radicals evidently occupy at this moment a false position. If they declare their principles, they must injure the power of their friends. Placed by the side of the Whigs whom they appear to command or to protect, a shew of friendship must be kept up, for the power of the one and the character of the other. The discretion, with which they play their part, is fully as dexterous and subtle as that of the Tory Conformers. There is conformity on both sides, for the same purpose, that is, obtaining ascendancy for principles but half avowed. The Radical holds in contempt the unphilosophical institution of hereditary Legislators, and desires supremacy for the natural rights of man. The Tory on the other hand is persuaded that liberality is only a dangerous tenure of power, and ardently longs for the day when he can discard it. The Conformers according to the Constitution are less sincere, than those on the other side of the House. For the Radicals can go conscientiously with the Whigs, so far as they proceed on *their* road.

This position seems to be a natural first effect of the Reform Bill. The freely-elected representatives of the People reasonably prefer as their leaders, those who have already signalled themselves in the service of liberty. On the opposite side are ranged against them men, whose names are familiar to them for their resistance to that act of emancipation, which is justly their idol, and who disputed every inch of the ground, ere they were defeated. We do not think much of the effect of political gratitude; but it is political expectation, which urges them forcibly to this alliance. They have not yet learned to lead, so for a time they must be content to follow. Whom therefore could they select with greater claims upon their confidence, than the Whigs—the liberal aristocracy, who had been so long excluded from office, with its patronage, its emoluments and distinction, for adherence to their popular principles? Who can impute blame to the Radicals for thus connecting themselves with the party most similar to them in principle?

The position is different as affecting the sincerity and prudence of the Whigs. It may reasonably be doubted, if

they have been provident in permitting so close an intimacy with the Radicals. The Radical principle of giving to every man the greatest possible liberty, he can enjoy with safety to himself and society, is far from coinciding with that of the Constitutional liberals, who will only allow to any person as much as he can exercise with safety to the Constitution. He, who confines his views to this sort of liberty, can only go a short way hand in hand with the destroyer of constitutional rights in order to substitute natural rights in their place. It behoved then the Whigs to consider well the strength and position of their rivals, before they ventured to take them as companions. It is far from being probable, that the Radical or Destructive party will easily renounce the prize, which they consider almost extended for their grasp. The temptation of supreme power is of no ordinary nature. That enlarged beneficence, of which it conveys the capability, is an object of ambition to the noblest minds. The patronage and emoluments of it have charms for less elevated dispositions ; while the desire of victory spurs on many, who only feel the stimulant of glory to gratify them with the pleasure of vain triumph. It cannot be doubted that the coalition of the Whigs with the Radicals has tended considerably to strengthen the influence of the latter in the country.

We confess that this coalition passes our understanding. Is it sincere on either side? With the Radicals it may be honest as far as it goes. But the moment they feel their strength and are able to walk alone, is it not probable that they will throw away their crutches, or use them for the punishment of their dupes? It is impossible the Whigs can be sincere in this alliance, supposing them to be true to their avowed principles. They must know the inward contempt of the radical party towards themselves and their anxiety to loosen the bonds of the Constitution, which are at the same time their own chains. The privileged aristocracy must always be an impassable barrier to their power. But this is precisely the check which the Whigs are pledged to preserve against them. How then can sincerity subsist on the part of the Whigs towards their Radical allies? Again—what reason have they to expect that the Radicals, whom they are greatly encouraging by their countenance, can be thrown off, as soon



as they cease to be wanted? The Tories, old and new, and their own liberal constitutional friends will be compelled to unite against the first attack on the Constitution. If at that time the Whigs find themselves likely to be deserted by their real friends, they must either avow themselves the advocates of unconstitutional measures or fall behind the Conformers. In what a situation would they then be placed? Would they not, on either side, be reluctant followers, where a more open and straight-forward policy could not have failed to give them the command? Let not the Whigs lay the flattering unction to their souls that they are considered by any party so indispensable to the safety of the constitution, that no attempt would be made by the country, and that by the liberal part of it, to save the Constitution and popular rights without them. The question is now a simple one, is the Constitution to be defended against its invaders by the Whigs, who *must* in such a case be supported by the Conformers, *then* in their character of Conservatives? or shall the Conservatives be permitted to avail themselves of the general indignation, created by this connexion, and occupy their places? As honest men, we desire to see liberal measures effected by men who hold liberality in their hearts. But considering the British Constitution to be unquestionably the surest guarantee for English liberty and the rights of the People themselves, we should prefer Conformers in power who would be compelled to act on liberal principles, to Reformers headed by Radicals and yielding the Constitution bit by bit.

The situation of the Whigs, opposed to the Radicals is not unlike to that of the Clown in the farce, who fencing with a more powerful antagonist exclaims in a tone of pretended defiance—"Take care of yourself; if *you* advance, *I* shall retire." So the Whig appears, as if constantly anxious to throw back his haughty oppressor, but he continually gives way when pressed. Instead of saying to him at once, "Thus far shalt thou go, and no further," he encourages his advance, by the weakness of his own position, and the vague or partial remonstrances he offers. The time cannot be distant, when the veil must be laid aside. We shall then see, if attachment to the constitution will outweigh the love of power, or if the latter will preponderate. Let the Whigs make up

their mind to the only real liberal course, when the crisis, so inevitable, shall arrive. The people of this country will not long submit to be ruled by Conformers, however speciously mis-named Conservatives, if the true defenders of liberal principles do not forsake the path of their duty.

Let the Whigs be bold in this crisis and they have nothing to apprehend for their principles or their power. But the country will not tamely endure any more Birmingham or Nottingham rows. The day of agitation ought to be past: That of tranquillity should be at hand. The Lords cannot be infatuated for ever. Or, if they do continue to shew symptoms of dogged perverseness, injurious to themselves and likely to be fatal to the peace of the whole community, neither the people or their representatives will any longer be divided as to the manner, in which they ought to be treated. We do not believe in the incurable error of their Lordships, and we trust, or we should rather say in candor, we are sure, that the Whigs will not incline to the opinion of those, who may propose a more severe remedy than is required by the nature of the disorder.

It may be seen from the preceding observations, that we attach far greater importance to the stability of the constitution, than to that of any party. It appears to us, indeed, the first duty of a political party is to uphold the Constitution in its integrity. We are not disposed to exchange the liberty, granted by the Constitution and of which the Institutions are susceptible by improvement, for any rights and political enjoyments which it is in the power of man to bestow.

This opinion will meet with ridicule from the Radicals, and be thought narrow-minded by those, who fancy they have received a new light upon this subject. A large proportion of liberal men, both here and on the Continent, entertain notions, that an era is approaching, when all Institutions are to be adapted to a standard of moral equality. We confess that no new light of that description has found its way into our understandings. That the English Institutions had been much corrupted in the law, religion and distribution of civil rights few will deny; also that very great corruption still exists in each of these branches, we have not the slightest hesitation in confessing. But the passing of the Reform Bill without a political convulsion affords a most consolatory

ground of hope; that each institution in its turn will quietly undergo a moral and practical, without an organic, revolution.

The tenets of the Radical party are so distinctly known that they hardly require to be stated here. However we shall briefly describe them. They are the Ballot, Reform of the House of Peers, comprehending the exclusion of the Bishops, the repeal of the Septennial Bill, and an essential re-organization or entire abrogation of the Church Establishment. To one and all of these we are directly opposed. Since it is our intention to state our objections to the Ballot, in detail, in a very early number, we shall forbear from entering more into the question, at present, than to remark, that no just analogy can be drawn, from its practice on comparatively unimportant occasions, with its exercise in the great instance of the election of Representatives. Secret voting is at present an exception; we object that it should become the rule. Two of the other questions evidently contemplate organic changes in essential institutions. The consequence of the repeal of the Septennial Bill may be within or without the object of the Constitution. As the Radicals intend it to be carried into execution, by the substitution of annual parliaments, there can be no doubt of its unconstitutional tendency in changing entirely that class of men, who now compose the representatives of the People. The Aristocracy could scarcely survive it a twelve-month, which no doubt forms its principal recommendation to the Radicals.

As the Whigs have been described infinitely stronger in fact than they are in appearance; so, on the contrary, we should ascribe to the Radicals a force considerably inferior to that which at first sight they *ostensibly* possess. Unquestionably their influence is great, when exerted in conjunction with the Government; but were it separated and placed in opposition, it would scarcely amount to one third of that combined party, which supports the present Ministers. They may be divided into two classes, the practical, and, the theoretical or philosophical, reformers. At the head of the former we place the most remarkable man of his time. His parliamentary talents are of the first order. In debate he is argumentative or sarcastic at pleasure, clear, vigorous and endowed with extraordinary tact in discriminating and selecting the topics, most

likely to *tell* upon his audience. But he is not less powerful in addressing a mob or a mixed assembly of educated persons. He may, however, be said to want dignity, and, when not very much excited, to be too theatrical. His accent is strongly Irish, but it is not injurious to him; for it is either in harmony with the cause he advocates, or the argument which he is somewhat rudely pressing. In his tone and manner he is occasionally playful, and, if we may so express ourselves, coaxing. But this is not his happiest manner or most pleasing tone. His playfulness or condescension puts one instinctively on one's guard.

The indefatigable energy of this personage, the versatile employment of his powerful faculties and promptitude in taking a conspicuous and commanding position in any debate conspire to qualify him for an eminent leader of a party. The wrongs of his country have hitherto supplied him with a constant theme, which ever falls agreeably on the British ear. Should he travel out of the record, and set himself up for a teacher of liberty on this side of the channel, his success must depend upon the madness of his enemies in persisting in wrong, or the weakness of the defenders of constitutional rights. To this person and two or three other less gifted but not less energetic supporters, the doctrines of the radicals probably owe what reputation they have acquired, more than to their agreement with the habits and tastes of Englishmen. We cannot pass over, without some notice, the small section of the radical party, who desire to be styled Philosophical Reformers. They were cast up on the parliamentary benches by the violence of the agitation, which immediately followed the passing of the Reform Bill. The first effect of that measure was to bring to the surface every political fancy, which had been kept down by the oppression of the preceding representative system upon talent, unaided by aristocratic accompaniments. It is their principle, that every practice should be immediately reconcileable with, and dependent upon, some abstract theory. Their philosophy is one of universal kindness, philanthropic tolerance in all respects, and demands a constant appeal to pure reason. An order of the House of Commons must be tried, according to them, by the

most lofty principles of abstract relation between representative and constituent. The most subtle workings of the most complicated practical measure must at once be made conformable to some immaterial theory. The passions and infirmities of men fill an imperceptible space in their reasonings and contrivances. But their arguments are too fine for the Bœotian atmosphere of the House of Commons. English politicians are the furthest possible removed from visionary theorists. And in spite of the self-complacency with which the patrons of this new school of politics appear to flatter themselves, that their doctrines are gaining ground, we fancy that the members, who attend to them, are at no loss, where to apply the lines,

“ There is more in heav’n and earth, Horatio,  
Than is dream’t of in *your* philosophy.”

It is not credible that the radical party could hold together, if the Whigs refused to it their countenance. Some of them are moved by great worldly ambition ; others are mere sticklers for speculative improvements. There is no uniting bond of principle around them. Looking at them in their abstract capacity, they are as the flies sent by Providence to consume the open corruption in the streets, or as birds of prey, busy in devouring unwholesome carcasses, which excite the cupidity of the stronger. Their occupation is gone, as soon as the rottenness of the Constitution is either eradicated or under the treatment of skilful and able physicians. Why will rulers never recollect, that honesty is the best policy, and, (as Mr. Fox is reported to have added,) *even in politics?* Never did the country attend more narrowly to the proceedings of Government, or watch more jealously every shadow of turning in political intrigue. The appointment or the maintenance of an administration is in their control. Why not, then court, the opinion of the community, rather than the influence of a few, who can only be powerful for a short season.

It is scarcely too much to say, that the country, in general, abhors radical doctrines. The cause of this is to be discerned in the universal prevalence of what is called, Aristocratic principle. Let us briefly state our notions of this principle, which

is the opposite of that, which the French term "equality,") and conceive to be the perfection of high and generous feeling. The Englishman is accustomed from his birth to respect a superior in station and property. Why does he so? Has he not sense to discover, that the value of these, as they affect himself, depends entirely on their employment? Certainly he has; since he possesses shrewdness in no ordinary degree. But he has also been led by habit to consider station and property, as guarantees of the education and the enlarged knowledge of their possessor. These are the real objects of that respect, which is paid by the mass to Aristocracy. We do not pretend to affirm, that every man, who takes off his hat to a superior, has previously inquired, if he is a man of a liberal education. But if superior education were removed from, and no longer considered the attribute, of the Aristocracy, how long would it retain its respect?

The rapid way, in which the lower orders are overtaking the higher in education, is the source of that apparent indifference to station, which the abstract speculator and theoretical constitution-builder hail with so much delight. But let the rich resume that position in the intellectual world, which liberal education cannot fail to give, and the imagined insolence of the inferior would soon be replaced by an honorable and just deference to superior moral attainments.

There are many who consider, that the congregation of large masses of working people in manufacturing towns has effected a change in the feelings of that class towards their superiors. If it has done so, it is only because in such places, they mix mostly with persons scarcely more liberally educated than themselves. The innumerable institutions for the education of the humbler classes, in all large towns, has raised them above the level of the workmen of twenty years ago. But what corresponding improvement has taken place in the education of those, who are their masters or immediately set over them? None whatever; or none to counterbalance the improvement (manifest to all, and felt by themselves) of the inferior order of the community. As power fell from the exclusive grasp of the Clergy, in this and other countries, when they ceased to enjoy the monopoly of knowledge; so

must power depart from aristocracy, as soon as it neglects to cultivate the advantages of a superior education. But is the English aristocracy so devoted to indolence and sensuality, that it has lost its energy for acquiring high attainments of mind? Should that period unfortunately be arrived, their downfall is at hand, and Whigs and Conservatives, single or united, will labour in vain to oppose Radical and Destructive encroachments upon our aristocratical Institutions. But if the vital principle of regeneration is not extinguished in our nobles and men of property, who will consent to court the intellectual Muse instead of frivolity and selfishness, Statesmen will have leisure and power to improve the Institutions, without relying for their improvement on those, who are their enemies.

The habits of a nation are slow in their formation, and after arriving at their full growth, are, in proportion; long in their decay. We shall not take upon us to say, that no appearance of dissolution has been yet manifested in the higher branches, but we have observed none, which can lead us to fear, that rottenness has touched the heart. We therefore look with confidence to the inherent strength of England to uphold that Constitution which is the basis of her liberty and from whence she may extend the influence of her example and moral authority to others.

We hope that we shall be pardoned for this digression (if digression it can be called), by which we have endeavoured to indicate the principal cause of our opposition to the doctrines of the Destructives. Had we a suspicion of the English Aristocracy being so degenerate, that they sought only to trample on their inferiors, whom they considered made for supplying the necessities and luxuries of life, we should more gladly employ our pen in preparing their epitaph, than in advocating their usefulness. It is as part and parcel of the Constitution, that we undertake their defence, and in that view alone. The question is not merely a British, but essentially an European question. Into this extensive field neither our limits or our inclination permit us to deviate. However we shall point the attention of the speculatist to the enquiry, by what means, as the governments of Europe are at present,

and are likely to be constituted, he would secure his new constitution against their combined jealousy?

We would, in our concluding remarks, request the attention of our readers to the line of argument we have been pursuing and the inference to be drawn from it. We have described the condition of parties and endeavoured to indicate, by particular and general reasoning, the relative moral strength of each. We have also attempted to explain, how the Whigs are the strongest by their moral and political position, and how the Conservatives or Conformers seem out of their proper place in directing the government of the Country through a course of liberal measures. We have shewn how the Radicals are disqualified for supreme power by their desire to avail themselves of it for the destruction, rather than the renovation of the Institutions. Moreover we have pointed to the only ground of confidence in the duration of these Institutions, namely, that the Aristocracy will rally round them for their preservation, and prove themselves worthy of such a task by their liberality and their enlightened spirit. We have also not hesitated to express our belief, that unless they consent, without loss of time, to sympathize more with the age, in which they live, the theorists will have the best, not only of the argument, but also of the spoil. We have touched reluctantly on the position of the House of Lords, for a humble expostulation might be easily construed into a desire of intimidating, which we leave, by preference, to others.

From our observations, we should be glad, if others, could deduce the same conclusion as ourselves have done, that this country is *so far* from being on the road to ruin, that *she is* manifestly on the way to greater political prosperity, than she has enjoyed for some time. The most corrupt of her Institutions—the aristocracy-overburthened House of Commons—having been cleansed of its inherent corruptness by “an infusion of new blood into the veins” without having previously passed through the hands of an empirick and the ordeal of a revolution, has afforded us a just ground for expecting, that lesser evils will be cured in the same manner. We have also adverted to the Aristocratic regard of Englishmen for their existing Constitution, as evidence of the difficulty,



which the Radicals must overcome, before they can graft their theories upon the affections of the people, or engage the wise and discriminating in their service. From these we have moreover inferred, that the honest Statesman is likely to be the most practically beneficial, and eminently successful. It now therefore only remains for us, to offer some observations on collateral topics, before we conclude this article, and leave our readers to determine, if we have redeemed our pledge of impartiality.

There is a little knot of Whig-Tories or Tory-Whigs, following, as they suppose, the track of Lord Stanley in a course, which has disappointed his friends, and fixed him, where his early habits can be of little service to him. Incautious, he is among the wary, vehement, he sits with the cold, ardent in the cause of religion, he is in the midst of those, who used religious preferment as an incentive of secular intermeddling, and have even offered it as the reward of political tergiversation. Whatever may be the appropriate situation for his followers, he is manifestly out of his place. Those, who aspire to mount with a rocket, must not be surprised, if they are occasionally disappointed. But his talents ought to soar above contemptible personalities; revenge should belong only to meaner capacities, and he should recollect that it is not the error of youth, but the obstinacy of mature age, which depresses an energetic mind below its natural level. His opportunity of leading a party has probably passed by him. But are the liberal principles, that he has advocated with such animated eloquence, entirely forgotten? Or has he, with the mysterious reasonings of genius, proved to himself, that Conformity and Liberality are identical? Has he discovered the superior claim to sympathy, possessed by necessity over choice? But we do not regret, that he has sat awhile among the Conservatives, for he has the opportunity of knowing them. If we have neglected to touch upon the parties of Saints, Agriculturists, and also of those, who build the political salvation of the country on paper-money, it has been from the want of discovering their claims to separate attention. Each of them is connected with, and may be said to be merged in, a larger and more powerful party than itself. Each also

appears to us equally unreasonable in its demand and its expectation. It is our belief, that the House of Commons will not consent to shut up the Clubs on Sundays, before the manufacturers shall petition for a high price of corn, and the merchants for paper currency. Why should they? The enthusiasm of the religious, the gain of the impoverished, and the visions of the interested must yield to the good of the community.

END OF THE SECOND VOLUME.

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